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ROBERT WILLIAMS, *Barrister*

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HOW TO USE THIS INDEX

This Index, used with the Red Indexes for 1951–60, 1961–70, 1971–80, 1981–90 and 1991–95, will enable you to find any reported case determined since 1951 according to its title or subject matter. The appropriate headings and sub-headings of subject matter under which to look will be found in the Red Indexes. To find a recent case you have then only to look under the same heading and sub-headings in this Index and if necessary in subsequent parts of W.L.R.

Further, this Index contains also, *after* the index of Subject Matter, similar cumulative indexes of Cases, Statutes, Statutory Instruments and Overseas and European Community Enactments Judicially Considered which will likewise be brought up to date weekly in W.L.R.

Thus if in any report in [1996] W.L.R. a judge has said anything which might be argued to affect the weight or effect of any previous decision, or the meaning of any enactment, a reference will be found in the appropriate table to the previous decision or enactment. **The Table of Cases Judicially Considered is not limited to decisions mentioned in the headnote of the reports.**

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Bankrupt owning half-interest in property in Spain—Bankrupt dying intestate—Bankrupt's widow transferring interest to third party—Trustee in bankruptcy claiming bankrupt's interest in Spanish property—Whether proceedings relating to succession or bankruptcy—Whether bankruptcy court in England having jurisdiction to determine trustee's claim—Civil Jurisdiction and Judgments Act 1982, Sch. 1 (as substituted by Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990), art. 1

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In re **C. (A Minor) (Interim Care Order: Residential Assessment),** H.L.(E.) [1996] 3 W.L.R. 1098

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United States serviceman living with family at United States naval base in Iceland—Mother removing children to United Kingdom—Breach of Michigan court orders—Father's application for children to be returned to Michigan—Whether habitually resident in Iceland or Michigan—Whether inherent jurisdiction to be exercised to require return to Michigan—Child Abduction and Custody Act 1985, Sch. 1, art. 4

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Care proceedings instituted following unexplained injuries to child—Parents willing to provide further details to social workers if not exposed to risk of prosecution—Whether social workers entitled to reveal such information to police without leave of court—Family Proceedings Rules 1991, r. 4.23

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Alternative dispute resolution

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Company issuing redeemable preference shares and entering into covenants under scheme of arrangement sanctioned by court—Failure to redeem shares—Claims against company for breaches of covenants and misrepresentation—Whether company's liability precluded by statute—Whether covenants invalid against company—Companies Act 1985, ss. 151(1), 178(2) **British and Commonwealth Holdings Plc. v. Barclays Bank Plc.,** C.A. [1996] 1 W.L.R. 1

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Director unfit to be concerned in management of company—Application for leave to commence proceedings out of time—Principles applicable to exercise of court's discretion—Weight to be given to inadequacy of reasons for delay—Company Directors Disqualification Act 1986, ss. 6, 7(2)

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"Without prejudice save as to costs"

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Case stated—Notice of motion for remitter to commissioners—Principles of jurisdiction to remit—No findings on certain points on which evidence given—Evidence recorded in transcript—Whether principles of jurisdiction to remit satisfied—Taxes Management Act 1970, s. 56 **Bradley v. London Electricity Plc.,** Jacob J. (1996) T.C. Leaflet No. 3462

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Glaxo Group Ltd. v. Inland Revenue Comrs., Walker J. (1995) T.C. Leaflet No. 3470

Employment

Benefits in kind—Employee earning in excess of £8,500 per annum—Reductions permitted in computing cash equivalent—Car insurance payments—Income and Corporation Taxes Act 1988, s. 157(5)(*b*), Sch. 6, Part II, para. 4

Inland Revenue Comrs. v. Quigley, Ct. of Sess. (1995) T.C. Leaflet No. 3448

Emolument—Burden of proof on appeal—Payments due between companies of which taxpayer shareholder and director—Whether payments received by taxpayer as emoluments—Taxes Management Act 1970, s. 50(6)

MacEachern v. Carr, Rattee J. (1996) T.C. Leaflet No. 3464

Emolument—Director's remuneration—P.A.Y.E. tax to be recovered from employee—Whether entries in employer's accounts and ledger establishing deduction of tax—Whether employer wilfully failing to deduct tax and employee knowing—Income and Corporation Taxes Act 1988, s. 203A(1)—Income Tax (Employments) Regulations 1993, regs. 40, 42, 49

Reg. v. Inland Revenue Comrs., *Ex parte* **McVeigh,** May J. (1995) T.C. leaflet No. 3459

Emolument—Provision by employer of office at employee's home—Construction paid for before commencement of employment—Employer paying rent for use of office—Whether benefit "provided" before commencement of employment—Whether office occupied by employer—Whether benefit chargeable to tax—Income and Corporation Taxes Act 1988, s. 154 (as amended by Finance Act 1989, s. 53(2)(*b*)), s. 155(2)

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Income tax—*continued*

Schedule D, Case I

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Transactions between associated persons

Sales at an undervalue or overvalue—Direction for profits to be computed as if sales at arm's length price—Whether effect to be given in assessments under appeal which pre-dated direction—Income and Corporation Taxes Act 1970, s. 485—Taxes Management Act 1970, ss. 29(3), 50(3)(7)—Income and Corporation Taxes Act 1988, s. 770 **Glaxo Group Ltd. v. Inland Revenue Comrs.,** Walker J. (1995) T.C. Leaflet No. 3470

Value added tax

Assessment

Value of supply of goods or services—Determination of value—Company not knowing whether goods supplied to be resold to customers or retained by agents—Goods sold to agents at less than full catalogue price—Direction by commissioners that value of supply to be sold by retail to be taken at open market value on retail sale—Whether inconsistent with European Community law—Value Added Tax Act 1983, s. 10, Sch. 4, para. 3—Council Directive (77/388/E.E.C.), art. 27 **Customs and Excise Comrs. v. Fine Art Developments Plc.,** H.L.(E.) [1996] 1 W.L.R. 1054

Deductibility of input tax

Claim to deduct VAT payable on services rendered in connection with sale of shares to reduce taxpayer's debts—No right to deduct where services used for exempt transaction—Whether exception where ultimate purpose of transaction being carrying out of taxable transaction—Council Directive (67/227/E.E.C.), art. 2—Council Directive (77/388/E.E.C.), art. 17 **B.L.P. Group Plc. v. Customs and Excise Comrs. (Case C-4/94),** E.C.J. [1996] 1 W.L.R. 174

Supply of goods or services

Inadvertent overpayments by customers of continuous supplier—Overpayments retained and credited to customers on subsequent invoices—Whether overpayments to be treated as paid "on account" or received "in respect of" future services—Whether tax on overpayments to be accounted for at time of receipt—Value Added Tax (General) Regulations 1985, reg. 23(1)(*a*) (as substituted by Value Added Tax (General) (Amendment) Regulations 1989, reg. 5)—Council Directive (77/388/E.E.C.), arts. 2, 10(2), 11 **Customs and Excise Commissioners v. British Telecommunications Plc.,** C.A. [1996] 1 W.L.R. 1309

Taxpayer supplying exempt educational services—Development of land for use as school playing fields—Contractors' charges for development—Taxpayer granting lease to wholly owned subsidiary company—Grant of non-exclusive licence for use of playing fields by taxpayer—Whether self-supply by taxpayer—Whether development charges deductible as input tax—Value Added Tax Act 1983, Sch. 6A, paras. 5, 6 (as inserted by Finance Act 1989, Sch. 3, para. 6(2))—Council Directive (77/388/E.E.C.), arts. 5(7)(*a*), 6(3) **Robert Gordon's College v. Customs and Excise Comrs.,** H.L.(Sc.) [1996] 1 W.L.R. 201

ROAD TRAFFIC

Blood specimen

Analysis evidence

Intoximeter not available—Motorist stating preference for giving blood but adding he was taking tablets—Police officer not considering whether tablets medical reason for not taking blood—Police officer asking for blood to be provided by motorist to doctor—Whether compliance with statutory requirements—Whether analysis evidence admissible—Road Traffic Act 1988, s. 7 (as amended) **Wade v. Director of Public Prosecutions,** D.C. [1996] R.T.R. 177

ROAD TRAFFIC—*continued*

Blood specimen—*continued*

Requirement

Breath specimen containing no more than 50 microgrammes of alcohol in 100 millilitres of breath—Option to give blood/urine specimen—Explanation of rights—Words used—No statement about decision of medical practitioner—Whether sufficiently detailed

Baldwin v. Director of Public Prosecutions, D.C. [1996] R.T.R. 238

Breath specimen containing no more than 50 microgrammes of alcohol in 100 millilitres of breath—Right to claim replacement of breath specimen by blood or urine specimen—Constable proposing specimen of blood and asking driver whether any medical reason why blood not to be taken—Driver informed that doctor to take sample of blood—Not informed that doctor to determine whether medical reason for not supplying blood—Whether driver denied full benefit of right—Road Traffic Act 1988, ss. 7(4), 8(1)(2)

Turner v. Director of Public Prosecutions (Note), D.C. [1996] R.T.R. 274

Intoximeter not available—Constable requiring blood from arrested motorist—Motorist diabetic with aversion to others using needle on his arm—Answer of motorist treated as medical reason by constable yet police surgeon called—Whether blood requirement lawful—Whether dismissal of information proper on submission of no case—Whether question of reasonable excuse for failure to provide specimen relevant—Road Traffic Act, s. 7(4)

Director of Public Prosecutions v. Wythe, D.C. [1996] R.T.R. 137

Breath specimen for analysis

Admissibility in evidence

Motorist arrested at home—Lawfulness of arrest and police bona fides challenged—No request for justices to exercise discretion to exclude breath test evidence on ground of oppression—Whether point open on appeal—Whether evidence pro-forma procedure followed justifying finding that sufficient warning given as to failure to provide specimen—Police and Criminal Evidence Act 1984, s. 78(1)—Road Traffic Act 1988, ss. 5(1)(*a*), 7(7)

Braham v. Director of Public Prosecutions, D.C. [1996] R.T.R. 30

Failure to provide specimen

Motorist arrested after providing positive specimen—At police station intoximeter failing to operate—Motorist agreeing to provide alternative specimen of blood refusing to allow doctor to take specimen—Magistrate using personal knowledge to conclude no approved device available at police station—Motorist charged with failing to provide specimen without reasonable excuse—No cross-examination of analysis device operator about existence of another device—Whether magistrate entitled to use personal knowledge and take judicial notice of only one device being installed—Whether sufficient evidence to support finding of no approved device being available at time motorist required to provide alternative specimen—Road Traffic Act 1988, s. 7(1)(3) (as amended by Road Traffic Act 1991, s. 48)

Jarvis v. Director of Public Prosecutions, D.C. [1996] R.T.R. 192

Motorist's first unsuccessful attempt to provide specimen—No information given to motorist until after first attempt about Lion Intoximeter 3000 device having mechanical three minute time limit—Further unsucessful attempt before time limit ran out—Lack of prior reference to time limit—Whether possible reasonable excuse—Road Traffic Act 1988, s. 7(6)

Director of Public Prosecutions v. Coyle, D.C. [1996] R.T.R. 287

Motorist providing one specimen exceeding prescribed limit—Constable requiring second breath specimen—Motorist querying need for second specimen in view of first result—Automatic abortion of device's time sequence preventing motorist's attempt to provide second specimen—Whether failure to provide—Whether reasonable excuse for failure—Road Traffic Act 1988, s. 7(6)

Director of Public Prosecutions v. Thomas (Elwyn Kenneth) (Note), D.C. [1996] R.T.R. 293

Motorist refusing to provide specimen—Five seconds later motorist wanting to change his mind—Whether failure to provide specimen for analysis—"Fails to provide a specimen"—Road Traffic Act 1988, s. 7(1)(6)

Smyth v. Director of Public Prosecutions, D.C. [1996] R.T.R. 59

Right to provide blood or urine

Breath specimen containing no more than 50 microgrammes of alcohol in 100 millilitres of breath—Constables informing motorists of right to elect provision of alternative specimen of blood or urine—Drivers electing not to replace breath specimen with specimen required under section 7(4)—Whether constables sufficiently complying with formula—Whether drivers denied full benefit of right—Road Traffic Act 1988, ss. 7(4), 8(1)(2)

Director of Public Prosecutions v. Charles (Note), D.C. [1996] R.T.R. 247

ROAD TRAFFIC—*continued*

Breath specimen for analysis—*continued*

Right to provide blood or urine—*continued*

Breath specimen containing no more than 50 microgrammes of alcohol in 100 millilitres of breath—Precondition of motorist being fully informed of existence of option—Police officer not informing motorist of lower reading exceeding statutory limit—Whether precondition satisfied by words used—Road Traffic Act 1988, s. 8(2)

Director of Public Prosecutions v. Hill-Brookes, D.C. [1996] R.T.R. 279

Careless driving

Causing death having consumed excess alcohol

Sentence—Deceased on "Pelican" crossing—Motorist exceeding 30 m.p.h. speed limit after dark—Whether 18 months' imprisonment unduly lenient—Whether four years to be substituted—Whether personal elements of mitigation to deflect court from sentence appropriate to gravity of case—Road Traffic Act 1988, s. 3A(1)(*b*) (as amended by Road Traffic Act 1991, s. 3)

Reg. v. Brown (Garry) (Attorney-General's Reference (No. 39 of 1994)), C.A. [1996] R.T.R. 142

Sentence—Driven exceeding speed limit—Car leaving road and striking tree—Front seat passenger killed, driver injured—Driver with blood-alcohol more than twice permitted limit—Guilty plea by driver with no previous motoring convictions—Imprisonment for 3½ years, disqualification for five years and until test passed—Whether excessive—Whether wrong in principle **Reg. v. Shoult,** C.A. [1996] R.T.R. 298

Sentence—Offender with twice breath-alcohol limit driving heavy lorry above permitted speed—Community service order of 240 hours—Exemplary previous record—Offender remorseful—Whether custodial sentence required—Road Traffic Act 1988, s. 3A(1)

Reg. v. Taziker, C.A. [1995] R.T.R. 413

Sentence—Two-year delay between offence and trial—Offender's approach causing delay—Maximum sentence imposable doubled in interim—Plea of guilty at late stage—Whether 12 months' imprisonment suspended for two years unduly lenient—Whether nine months' immediate imprisonment proper in circumstances—Road Traffic Act 1988, s. 3A(1)(*b*) (as inserted by Road Traffic Act 1991, s. 3)

Reg. v. Eaglen (Attorney-General's Reference (No. 13 of 1995)), C.A. [1996] R.T.R. 1

Causing death when under influence of drink or drugs

Evidence of pre-driving alcohol consumption—Relevance to issue of careless driving—Whether question for jury—Whether sentence of 18 months' imprisonment appropriate—Road Traffic Act 1988, s. 3A—Road Traffic Offenders Act 1988, ss. 33(1)

Reg. v. Millington, C.A. [1996] R.T.R. 80

Sentence—Unfitness resulting from excess taking of prescribed drug by driver killing one person and seriously injuring two others—Long-term prison sentence and disqualification for 10 years imposed following plea of guilty to careless driving with excess drugs—Whether sentence excessive—Road Traffic Act 1988, s. 3A—Criminal Justice Act 1993, s. 67(1) **Reg. v. Suddaby,** C.A. [1996] R.T.R. 54

Driving with alcohol exceeding prescribed limit

Sentence—Minimal damage resulting from collision at slow speed with another vehicle—Breath test showing 140 microgrammes of alcohol in 100 millilitres of breath—Motorist aged 37 with impeccable character pleading guilty to careless driving with excess alcohol—Sentence of two months' imprisonment and four years' disqualification—Whether offending at lower end of scale—Whether sentences inappropriate—Whether to be varied—Whether notice to Secretary of State with court's opinion that motorist apparently suffering from illness specified as alcoholism to be withdrawn

Reg. v. Cook (Note), C.A. [1996] R.T.R. 304

Dangerous driving

Causing death by

Aiding abetting counselling or procuring—Vehicle owner responsible for overseeing maintenance by mechanics—Dangerous condition of vehicle—Driver of vehicle acquitted of principal offence—Conviction of owner of procuring offence—Whether guilt of procurer possible in absence of mens rea—Road Traffic Act 1988, s. 2A (as amended by Road Traffic Act 1991, s. 3) **Reg. v. Loukes,** C.A. [1996] R.T.R. 164; [1996] 1 Cr.App.R. 444

Sentence—Erratic driving without lights by offender after evening's drinking—Car mounting pavement and killing pedestrian—Offender fleeing from scene and denying driving—Breath-alcohol three times permitted limit—Whether three years' imprisonment unduly lenient—Whether double jeopardy on reference by Attorney-General to be considered—Road Traffic Act 1988, s. 1 (as substituted by Road Traffic Act 1991, s. 1)

Reg. v. Vickers (Attorney-General's Reference (No. 42 of 1994)), C.A. [1996] R.T.R. 9

ROAD TRAFFIC—*continued*

Dangerous driving—*continued*

Causing death by—*continued*

Sentence—Failure to pay attention approaching pedestrian crossing—Other cars stopping, offender failing to slow down—No other aggravating features—Whether "momentary reckless error of judgment"—Sentence of 28 days' imprisonment served—On reference whether six months' imprisonment appropriate sentence—Whether extra jeopardy to return offender to prison after serving sentence—Whether in public interest to return suicide risk offender to prison—Road Traffic Act 1988, s. 1 (as substituted by Road Traffic Act 1991, s. 1) **Reg. v. Vano (Attorney-General's Reference (No. 34 of 1994))**, C.A. [1996] R.T.R. 15

Sentence

Driver breathalysed after collison following chase at high speeds in densely populated area—Guilty pleas to dangerous driving and driving with excess alcohol—Recorder describing offence as of "worst kind" imposing maximum sentence of two years' imprisonment—Whether failure to recognise absence of aggravating features such as injury to road users—Whether reduction for guilty pleas appropriate **Reg. v. Hastings,** C.A. [1996] R.T.R. 331

Disqualification

Period

Motorist at traffic light getting out of car to commit grievous bodily harm on passenger in other vehicle—Nine months' imprisonment, disqualification for three years and order for extended driving test—Prosecution evidence showing motorist's car used to block passage of other car before assault committed—Whether car used to commit offence—Whether "facilitating" commission of offence—Whether disqualification appropriate—Whether order requiring passing of extended driving test valid—Powers of Criminal Courts Act 1973, ss. 43(2), 44—Road Traffic Offenders Act 1968, s. 36

Reg. v. Patel (Rajesh) (Attorney-General's Reference (No. 36 of 1994)), C.A. [1995] R.T.R. 421

"Special reasons"

Emergency—Steward and key holder of previously burgled club at home consuming alcohol after midnight—Intruder alarm activated at club and police informed—Steward driving 300 yards to club—No thought to other methods of transport or going on foot—Whether emergency—Whether special reason—Whether decision not to disqualify justified—Road Traffic Act 1988, ss. 5(1)(*a*)—Road Traffic Offenders Act 1988, s. 34(1)

Director of Public Prosecutions v. Cox, D.C. [1996] R.T.R. 123

Illness of wife driving husband and friends—Husband with high breath-alcohol concentration taking over driving—Whether emergency situation—Whether "special reasons"—Road Traffic Offenders Act 1988, s. 34(1)

Director of Public Prosecutions v. Whittle, D.C. [1996] R.T.R. 154

Motorist with no intention of driving consuming alcohol—Woman demanding money threatening to cry rape unless motorist driving to cash point—Motorist suffering mental shock and prevented from ordering taxi by woman's threat—Justices advised by clerk applying objective test to threat and believing motorist—Whether duress causing private emergency—Whether "special reasons"—Whether proper exercise of discretion not to disqualify **Director of Public Prosecutions v. Enston,** D.C. [1996] R.T.R. 324

Documents, possession of

Insurance certificate

Uncompleted certificates closely resembling documents issued under regulations—Not relating to specific vehicle or period of insurance—Whether so closely resembling certificate of insurance as to be "calculated to deceive"—Whether "likely to deceive"—Road Traffic Act 1988, s. 173(1)(*c*) **Reg. v. Aworinde,** C.A [1996] R.T.R. 66

Drink, driving when unfit through

Sentence

Driving when unfit through drink—Driving while disqualified—Aggravated vehicle taking—Offences arising out of single incident—Maximum sentences passed for two offences—Consecutive sentences of 14, 6 and 6 months' imprisonment—No reduction for guilty pleas—Whether appropriate **Reg. v. Jordan (William),** C.A. [1996] R.T.R. 221

ROAD TRAFFIC—*continued*

Driving instruction

"Paid instruction"

Owner carrying on business of providing driving instruction—Prescribed certificate displayed on car used by employee relating to owner's former employee—Neither employees nor employer on register of approved instructors—Vehicle examiner stopping and cautioning employee having given driving lesson for payment—Employer on questioning before caution admitting employing person giving driving lesson—Whether evidence of admission properly excluded—Whether need for prosecutor to prove validity of displayed certificate—Road Traffic Act 1988, ss. 123(1)(4), 135(1)(3), 173(1)(2)

Toms v. Hurst, D.C. [1996] R.T.R. 226

Goods vehicle

Weight

Weighbridge printout produced as evidence of excess weight—No evidence of computer malfunctioning—Whether sufficient evidence computer functioning correctly at material time—Police and Criminal Evidence Act 1984, s. 69(1)(*b*)

Police and East West Transport Ltd. v. Director of Public Prosecutions, D.C. [1996] R.T.R. 184

Motor vehicle

Aggravated vehicle-taking

Vehicle taken without consent and driven dangerously by adult with passenger aged 17—Committal to Crown Court for joint trial—Whether adult and passenger "jointly charged"—Whether committal valid—Theft Act 1968, s. 12A(1)(2)(*a*) (as inserted by Aggravated Vehicle-Taking Act 1992, s. 1(1))—Magistrates' Courts Act 1980, s. 24(1)(*b*)

Reg. v. Peterborough Justices, *Ex parte* **Allgood,** D.C. [1996] R.T.R. 26

Car ringing

Sentence—Theft, handling, disguising and sale of cars—Defendant not ringleader—Pleas of guilty—Previous good character—Three years' imprisonment—Whether excessive

Reg. v. Evans, C.A. [1996] R.T.R. 46

Parking

Designation order

Traffic order introducing controlled parking zone—Duties of local authority to secure movement of traffic and to provide parking—Proper balance—Local opposition—Whether proper consultation with persons affected—Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1981, regs. 5, 12

Cran v. Camden London Borough Council, McCullough J. [1995] R.T.R. 346; 94 L.G.R. 8

Pedal cycle

Ownership

Defendant admitting taking cycle without consent of owner or other lawful authority—No statement by loser—Whether inference rightly drawn of existence of unspecified owner—Whether case to answer—Whether justices having obligation to state case on frivolous request—Theft Act 1968, ss. 1(1), 12(1)(5)(6)

Sturrock v. Director of Public Prosecutions, D.C. [1996] R.T.R. 216

Police

Powers

Bailment—Plaintiff's vehicle seized and held by police as bailees—Damage caused to vehicle by vandals while in unsecured yard at rear of police station—Whether police having duty of care to keep vehicle safe—Whether duty breached—Police and Criminal Evidence Act 1984, ss. 19, 22 **Sutcliffe v. Chief Constable of West Yorkshire,** C.A. [1996] R.T.R. 86

Road transport

Drivers' hours

Driving in excess of 10 hours between two daily rest periods—More than 4½ hours driving without break—Impossibility of complying with regulatory provisions requirements—Anticipation of employer and driver before start of journey with goods of high value—Road safety not jeopardised—Whether planned anticipatory derogation from regulatory provisions permissible—Whether decision of driver alone to be made—Whether only in emergency—Transport Act 1968, s. 96(11A), 103(1)—Council Regulation (E.E.C.) No. 3820/85, arts. 6(1), 7(1), 12 **Reg. v. Bird (Alan) (Case C-235/94),** E.C.J. [1996] R.T.R. 49

ROAD TRAFFIC—*continued*

Special type of vehicle

Emergency vehicle

Volvo motor car adapted for use as ambulance and fitted with blue warning beacon—Warning beacon displayed but not illuminated—Use for conveying child to school—Whether offence if blue light not illuminated—Whether "emergency vehicle" when not being used in emergency—Road Vehicles Lighting Regulations 1989, regs. 3, 16

Director of Public Prosecutions v. Hawkins, C.A. [1996] R.T.R. 160

Theft see **Pedal cycle**

Use on road

"Use"

Self-employed contractor driving car transporter owned by company on company business—Permitted laden weight exceeded by vehicle—Whether company using transporter—Road Traffic Act 1988, s. 41(B)(1)(*b*) (as amended by Road Traffic Act 1991, s. 8)—Road Vehicles (Construction and Use) Regulations 1986, reg. 80(1)(*b*)

West Yorkshire Trading Standards Service v. Lex Vehicle Leasing Ltd., D.C. [1996] R.T.R. 70

Vehicle with seized brakes and other reversible defects parked on road—Condition such that vehicle, although repairable, unable to be driven or towed—No test certificate and no insurance covering use—Whether use of vehicle on road by motorist—Road Traffic Act 1988, ss. 47(1), 143(1), 185(1) **Pumbien v. Vines,** D.C. [1996] R.T.R. 37

SAINT VINCENT AND THE GRENADINES

Costs

Board of assessment

Claim for compensation for compulsory acquisition by government—Offer by government—Non-acceptance by claimant—Award not exceeding government's offer—Board ordering government to pay claimant's costs without considering whether special reasons—Whether order properly made—Land Acquisition Act, s. 22(1)(2)

Windward Properties Ltd. v. Government of Saint Vincent and the Grenadines, P.C. [1996] 1 W.L.R. 279

Land

Compulsory acquisition

Claimant purchasing estate shortly before compulsory acquisition—Claim for compensation—Whether price paid by claimant best evidence of value of land at prescribed date—Compensation for disturbance—Whether including costs of purchase—Constitution of Saint Vincent and the Grenadines, s. 6(1), Sch. 2, paras. 2(1), 11—Land Acquisition Act, ss. 3(1)(2)(3), 19(*a*)

Windward Properties Ltd. v. Government of Saint Vincent and the Grenadines, P.C. [1996] 1 W.L.R. 279

Practice

Abandonment

Plaintiff commencing action—Defendants entering appearance—Subsequent 22-month delay—Whether matter to be deemed altogether abandoned and incapable of being revived—R.S.C. (Eastern Caribbean) 1970, Ord. 34, rr. 3(1), 11(1)(*a*)

Lewis v. St. Hillaire, P.C. [1996] 1 W.L.R. 981

SALE OF GOODS

Contract

Incorporation of charter provisions

Sale contract to incorporate all terms and conditions as per charterparty—Whether special diversion clause in charter incorporated in sale contract—Whether arguable that clause not incorporated in bill of lading **Ceval Alimentos S.A. v. Agrimpex Trading Co. Ltd. (No. 2),** Rix J. [1996] 2 Lloyd's Rep. 319

Incorporation of conditions

Contract for purchase of Nigerian gum arabic—Sellers' form of contract providing "IGPA spot conditions to apply"—Buyers failing to sign, date and return form—Buyers alleging unsatisfactory quality of goods—Dispute referred to arbitration—Whether contract binding on buyers—Whether IGPA spot terms incorporated—Whether arbitrator having jurisdiction

Jayaar Impex Ltd. v. Toaken Group Ltd. (trading as Hicks Brothers), Rix J. [1996] 2 Lloyd's Rep. 437

SALE OF GOODS—*continued*

F.o.b.

Non-delivery

Contract for sale of goods—Defendants failing to deliver—Whether contract between plaintiff and second defendants—Whether first defendant party to contract either as principal or as agent—Whether first defendant personally liable

Coral (U.K.) Ltd. v. Rechtman, Potter J. [1996] 1 Lloyd's Rep. 235

Implied term

Fitness for purpose

Computer disk—Whether "goods"—Whether computer program "goods"—Sale of Goods Act 1979, ss. 14, 61—Supply of Goods and Services Act 1982, ss. 9, 18

St. Albans City and District Council v. International Computers Ltd., C.A. [1996] 4 All E.R. 481

Failure of goods for intended purpose due to idiosyncrasy not made known to seller—Whether buyer entitled to rely on implied condition—Sale of Goods Act 1979, s. 14(3)

Slater v. Finning Ltd., H.L.(Sc.) [1996] 3 W.L.R. 190

Rejection of documents

Inspection of goods

Whether failure to provide bills of lading on liner terms entitling buyers to reject documents—Certificates of quality and condition showing inspection undertaken at shippers' godown—Whether contractual requirements satisfied

Soon Hua Seng Co. Ltd. v. Glencore Grain Ltd., Mance J. [1996] 1 Lloyd's Rep. 398

Rejection of goods

Breach of conditions

Contract for sale of "straight run fuel oil ex Bonny light crude oil usual Dakar refinery quality"—Receivers rejecting cargo as not being "straight run fuel oil"—Whether fuel oil containing "cracked material"—Whether sellers in breach of conditions

Total International Ltd. v. Addax B.V. (trading as Addax B.V. Geneva Branch), Waller J. [1996] 2 Lloyd's Rep. 333

SETTLED LAND

Life interest

Right of occupation

Exclusive right to occupy property for life—Whether grant of life interest creating settlement or irrevocable personal licence—Whether to be set aside—Settled Land Act 1925, s. 1(1)(i)

Dent v. Dent, David Young Q.C. [1996] 1 W.L.R. 683

SHIPPING

Bill of lading

Cargo, short delivery

Bills of lading recording "weight . . . number unknown"—Shortfall in delivery—Whether bill of lading prima facie evidence—Whether tally documents admissible evidence of weight—Whether plaintiffs able to prove number or weight discharged from ship—Title to sue

Noble Resources Ltd. v. Cavalier Shipping Corpn., Longmore J. [1996] 1 Lloyd's Rep. 642

Dangerous cargo

Cargo of ground-nuts infested with Khapra beetle—Cargo jettisoned at sea—Whether infestation originating in ground-nut cargo shipped under charter—Whether Khapra beetle already on board vessel when ground-nut cargo shipped—Whether cargo dangerous by reason of presence of Khapra beetle—Whether shippers liable—Bills of Lading Act 1855, s. 1 **Effort Shipping Co. Ltd. v. Linden Management S.A.,** C.A. [1996] 1 Lloyd's Rep. 577

Discharging costs

Goods sold under GAFTA form 100—Bill of lading issued—Buyers to pay costs from holds to ship's rail—Whether costs recoverable from sellers—Whether bill of lading conforming bill for purposes of contract

Ceval International Ltd. v. Cefetra B.V., C.A. [1996] 1 Lloyd's Rep. 464

Exclusion clause

Clause providing if container not packed by carrier, container to be treated as single package—Whether defendants able to rely on clause—Whether contrary to rules and void—Hague Rules, art. III, r. 8 **The River Gurara,** Colman J. [1996] 2 Lloyd's Rep. 53

SHIPPING—*continued*

Bill of lading—*continued*

Himalaya clause

Carrier issuing bill of lading containing Himalaya clause—Exclusive jurisdiction clause—Carrier directing shipowners to carry cargo—Shipowners not parties to bill of lading contract—Cargo damaged during voyage—Cargo owners instituting proceedings in Hong Kong against shipowners—Whether Himalaya clause entitling shipowners to benefit of exclusive jurisdiction clause **The Mahkutai,** P.C. [1996] A.C. 650; [1996] 3 W.L.R. 1

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Contract for carriage of bananas—Vessel suffering engine failure—Failure to tender vessels for loading—Whether vessel unseaworthy—Whether failure to use due diligence—Whether time charterers in breach of implied obligation to proceed with all despatch—Damages for failure to deliver goods—Hague-Visby Rules, art. III, r. 1
Fyffes Group Ltd. v. Reefer Express Lines Pty. Ltd., Moore-Bick J. [1996] 2 Lloyd's Rep. 171

Fire on board vessel damaging cargo—Whether welding operations carried out on deck—Whether vessel unseaworthy—Whether fire caused with actual fault or privity of owners—Whether owners exercising due diligence—Hague-Visby Rules, art. III, rr. 1, 2, art IV, r. 2
A. Meredith Jones & Co. Ltd. v. Vangemar Shipping Co. Ltd., Tuckey J. [1996] 1 Lloyd's Rep. 475

Charterparty

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"*Accidental means*"—Insurance policy
Dhak v. Insurance Co. of North America (U.K.) Ltd., C.A. [1996] 1 W.L.R. 936

"*Achievable*"—Contractual warranty
Lion Nathan Ltd. v. C-C Bottlers Ltd., P.C. [1996] 1 W.L.R. 1438

"*Actually paid* "—Reinsurance policy
Charter Reinsurance Co. Ltd. v. Fagan, C.A. and H.L.(E.) [1996] 2 W.L.R. 726

"*Agent to insure*"—Marine Insurance Act 1906, s. 19(*a*)
P.C.W. Syndicates v. P.C.W. Reinsurers, C.A. [1996] 1 W.L.R. 1136

"*As such*"—Law of Property Act 1925, s. 199(1)(ii)(*b*)
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"*Associated employer*"—Equal Pay Act 1970, s. 1(6)(*c*)
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"*Battered woman syndrome*"—Provocation **Reg. v. Thornton (No. 2),** C.A. [1996] 1 W.L.R. 1174

"*Begun . . . in court*"—Children and Young Persons Act 1969, s. 34(2)
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"*Benefits of the same kind*"—Council Regulation (E.E.C.) No. 1408/71, arts. 12(2) (as amended), 46a(1) (as inserted) **Schmidt (Christel) v. Rijksdienst voor Pensioenen (Case C-98/94),** E.C.J. [1996] I.C.R. 91

"*Bodily injury resulting in death*"—Insurance policy
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"*Brought*"—Warsaw Convention, art. 28(1)
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"*Calculated to deceive*"—Road Traffic Act 1988, s. 173(1)(*c*)
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"*Child in question*"—Child Abduction Act 1984, s. 2(2)(*a*) (as amended)
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"*Circumstance which, in the ordinary course of business, ought to be known*"—Marine Insurance Act 1906, s. 18(1) **P.C.W. Syndicates v. P.C.W. Reinsurers,** C.A. [1996] 1 W.L.R. 1136
Group Josi Re (formerly Groupe Josi Réassurance S.A.) v. Walbrook Insurance Co. Ltd., C.A. [1996] 1 W.L.R. 1152

"*Civil proceedings*"—Supreme Court Act 1981, s. 42(1A) (as inserted)
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"*Civil servants*"—Council Regulation (E.E.C.) No. 1408/71, art. 4(4) (as amended)
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"*Claim for asylum*"—Asylum and Immigration Appeals Act 1993, s. 1
Reg. v. Secretary of State for the Home Department, *Ex parte* **Onibiyo,** C.A. [1996] Q.B. 768; [1996] 2 W.L.R. 490

"*Claims arising out of one event*"—Insurance policy
Axa Reinsurance (U.K.) Plc. v. Field, H.L.(E.) [1996] 1 W.L.R. 1026

"*Commercial purposes*"—State Immunity Act 1978, s. 4(3)
Arab Republic of Egypt v. Gamal-Eldin, E.A.T. [1996] I.C.R. 13

"*Common terms*"—Equal Pay Act 1970, s. 1(6)(*c*) (as amended)
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"*Compensation*"—Insurance policy
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"*Complaint*"—Pensions Schemes Act 1993, s. 146(1)
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"*Conduct*"—Health and Safety at Work etc. Act 1974, s. 3(1)
Reg. v. Associated Octel Co. Ltd., H.L.(E.) [1996] 1 W.L.R. 1543; [1996] I.C.R. 972

"*Criminal proceedings*"—Police and Criminal Evidence Act 1984, s. 72
Reg. v. Governor of Brixton Prison, *Ex parte* **Levin,** D.C. [1996] 3 W.L.R. 657

"*Decision*"—Bahamas Independence Order 1973, Sch., art. 104
Farrington v. The Queen, P.C. [1996] 3 W.L.R. 177

"*Defendant*"—County Court Rules 1981, Ord. 13, r. 8
Penny v. Penny, C.A. [1996] 1 W.L.R. 1204

"*Delivered* "—County Court Rules 1981, Ord. 9, r. 2
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"*Directly affected* "—R.S.C., Ord. 53, r. 5(3)
Reg. v. Liverpool City Council, *Ex parte* **Muldoon,** H.L.(E.) [1996] 1 W.L.R. 1103

"*Disgraceful conduct in any professional respect*"—Veterinary Surgeons Act 1966, s. 16(1)(*b*)
Plenderleith v. Royal College of Veterinary Surgeons, P.C. [1996] 1 W.L.R. 224

"*Disposition*"—Law of Property Act 1925, s. 53(1)(*c*) **Neville v. Wilson,** C.A. [1996] 3 W.L.R. 460

"*Emergency vehicle*"—Road Vehicles Lighting Regulations 1989, reg. 3
Director of Public Prosecutions v. Hawkins, C.A. [1996] R.T.R. 160

"*Employed in . . . part transferred*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 5(1)
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"*Entitled to possession*"—Local Government Finance Act 1988, s. 65(1)
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"*Establishments*"—Council Directive (75/129/E.E.C.), art. 1(1)(*a*)
Rockfon A/S v. Specialarbejderforbundet i Danmark (Case C-449/93), E.C.J. [1996] I.C.R. 673

"*Facilitating*"—Powers of Criminal Courts Act 1973, s. 43
Reg. v. Patel (Rajesh) (Attorney-General's Reference (No. 36 of 1994)), C.A. [1995] R.T.R. 421

"*For the purpose of enlarging a church*"—Disused Burial Grounds Act 1884, s. 3
In re **St. Michael and All Angels, Tettenhall Regis,** Arches Ct. [1996] Fam. 44; [1996] 2 W.L.R. 385

"*Holding company*"—Income and Corporation Taxes Act 1970, s. 258(5)(*b*)
Imperial Chemical Industries Plc. v. Colmer, H.L.(E.) [1996] 1 W.L.R. 469

"*In full and final satisfaction of claim*"—Settlement of action
Hoppe v. Titman, C.A. [1996] 1 W.L.R. 841

"*In respect of*"—Value Added Tax (General) Regulations 1985, reg. 23(1)(*a*) (as substituted)
Customs and Excise Commissioners v. British Telecommunications Plc., C.A. [1996] 1 W.L.R. 1309

"*In the course or furtherance of an act of terrorism*"—Offences against the Person Act 1864, s. 2(1)(*f*) (as substituted) **Lamey v. The Queen,** P.C. [1996] 1 W.L.R. 902

"*Incumbrance*"—Landlord and Tenant Act 1987, s. 12(4)
Belvedere Court Management Ltd. v. Frogmore Developments Ltd., C.A. [1996] 3 W.L.R. 1008

"*Inhuman or degrading punishment or other treatment*"—Bahamas Independence Order 1973, Sch., art. 17(1) **Henfield v. Attorney-General of the Commonwealth of The Bahamas,** P.C. [1996] 3 W.L.R. 1079

"*Intention*"—Race Relations Act 1976, s. 57(3)
J. H. Walker Ltd. v. Hussain, E.A.T. [1996] I.C.R 291

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"*Jointly charged*"—Magistrates' Courts Act 1980, s. 24(1)(*b*)
Reg. v. Peterborough Justices, *Ex parte* **Allgood,** D.C. [1996] R.T.R. 26

"*Jointly occupying*"—Income Support (General) Regulations 1987, reg. 3(2)
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"*Just excuse*"—Commissions of Inquiry Act 1908, s. 13A(1)
Brannigan v. Davison, P.C. [1996] 3 W.L.R. 859

"*Knowingly concerned*"—Customs and Excise Management Act 1979, s. 170(2)
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"*Lease in writing*"—Limitation Act 1980, Sch. 1, para. 5(1)
Long v. Tower Hamlets London Borough Council, James Munby Q.C. [1996] 3 W.L.R. 317

"*Litigant in person*"—Litigants in Person (Costs and Expenses) Act 1975, s. 1
Jonathan Alexander Ltd. v. Proctor, C.A. [1996] 1 W.L.R. 518

"*Litter*"—Environmental Protection Act 1990, s. 87(1)
Westminster City Council v. Riding, D.C. (1995) 94 L.G.R. 489

"*May include*"—National Assistance Act 1948, s. 26(1) (as substituted)
Reg. v. Wandsworth London Borough Council, *Ex parte* **Beckwith,** H.L.(E.) [1996] 1 W.L.R. 60

"*Members of a mission*"—State Immunity Act 1978, s. 16(1)(*a*)
Arab Republic of Egypt v. Gamal Eldin, E.A.T. [1996] I.C.R. 13
Ahmed v. Government of the Kingdom of Saudi Arabia, C.A. [1996] I.C.R. 25

"*Mortgage action*"—R.S.C., Ord. 88, r. 6
National Westminster Bank Plc. v. Kitch, C.A. [1996] 1 W.L.R. 1316

"*Obstruction*"—Removal and Disposal of Vehicles Regulations 1986, reg. 3(1)(*a*)
Carey v. Chief Constable of Avon and Somerset, C.A. [1995] R.T.R. 405

"*Obtains property belonging to another*"—Theft Act 1968, s. 15(1)
Reg. v. Preddy, H.L.(E.) [1996] A.C. 815; [1996] 3 W.L.R. 255

"*On account*"—Council Directive (77/388/E.E.C.), art. 10(2)
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"*On the life of any person*"—Life Assurance Act 1774, s. 1
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"*Other assessment of the child*"—Children Act 1989, s. 38(6)
In re **C. (A Minor) (Interim Care Order: Residential Assessment),** H.L.(E.) [1996] 3 W.L.R. 1098

"*Other subscribers*"—Building Societies Act 1986, s. 100(8)
Building Societies Commission v. Halifax Building Society, Chadwick J. [1996] 3 W.L.R. 11158

"*Party to proceedings*"—Tribunals and Inquiries Act 1992, s. 11(1)
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"*Pending . . . removal*"—Immigration Ordinance, s. 13D(1) (as inserted) (Hong Kong)
Tan Te Lam v. Superintendent of Tai A Chau Detention Centre, P.C. [1996] 2 W.L.R. 863

"*Place where the harmful event occurred*"—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 5(3) **Marinari v. Lloyds Bank Plc. (Zubaidi Trading Co., Intervener) (Case C-364/93),** E.C.J. [1996] Q.B. 217; [1996] 2 W.L.R. 159

"*Premises*"—Landlord and Tenant Act 1987, ss. 5, 12
Kay Green v. Twinsectra Ltd., C.A. [1996] 1 W.L.R. 1587

"*Present at the same time*"—Wills Act 1837, s. 9(*c*) (as substituted)
Couser v. Couser, Judge Colyer Q.C. [1996] 1 W.L.R. 1301

"*Prior written agreement*"—State Immunity Act 1978, s. 2(2)
Ahmed v. Government of the Kingdom of Saudi Arabia, C.A. [1996] I.C.R. 25

"*Proceedings in the nature of an appeal*"—Race Relations Act 1976, s. 54(2)
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"*Property*"—Insolvency Act 1986, s. 436
In re **Campbell (A Bankrupt),** Knox J. [1996] 3 W.L.R. 626

"*Provided*"—Income and Corporation Taxes Act 1988, s. 154 (as amended)
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"*Provision*"—Local Government (Miscellaneous Provisions) Act 1976, s. 19
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"*Qualifying use*"—Hydrocarban Oil Duties Act 1979, ss. 6, 9
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"*Reasonable*"—Employment Protection (Consolidation) Act 1978, s. 67(2)
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"*Reasonable financial provision*"—Inheritance (Provision for Family and Defendants) Act 1975, s. 1(2) *In re* **Krubert, decd.,** C.A. [1996] 3 W.L.R. 959

"*Reasonable period*"—Administration of Justice Act 1970, s. 36(1)
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"*Relating to a contract*"—Civil Jurisdiction and Judgments Act 1982, Sch. 4, art. 5(1)
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"*Relating to tort, delict or quasi-delict*"—Civil Jurisdiction and Judgments Act 1982, Sch. 4, art. 5(3) **Kleinwort Benson Ltd. v. Glasgow City Council,** C.A. [1996] Q.B. 678; [1996] 2 W.L.R. 655

"*Relevant classes*"—Equal Pay Act 1970, s. 1(6)(*c*) (as amended) **British Coal Corpn. v. Smith,** H.L.(E.) [1996] I.C.R. 515

"*Residing with*"—Income Support (General) Regulations 1987, reg. 3(1) **Bate v. Chief Adjudication Officer,** H.L.(E.) [1996] 1 W.L.R. 814

"*Right of way*"—Land registration **Racoon Ltd. v. Turnbull,** P.C. [1996] 3 W.L.R. 353

"*Same damage*"—Civil Liability (Contribution) Act 1978, s. 1(1) **Birse Construction Ltd. v. Haiste Ltd.,** C.A. [1996] 1 W.L.R. 675

"*Same employment*"—Equal Pay Act 1970, s. 1(2)(*c*) (as amended) **British Coal Corpn. v. Smith,** H.L.(E.) [1996] I.C.R. 515

"*Serious non-political crime*"—Convention relating to the Status of Refugees, art. 1F(*b*) **T. v. Secretary of State for the Home Department,** H.L.(E.) [1996] A.C. 742; [1996] 2 W.L.R. 766

"*Serious professional misconduct*"—Medical Act 1983, s. 36(1)(*b*) **McCandless v. General Medical Council,** P.C. [1996] 1 W.L.R. 167

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"*Special*"—Council Regulation (E.E.C.) No. 1408/71, art. 4(4) (as amended) **Vougioukas v. Idrima Koinonikon Asphalisseon (Case C-443/93),** E.C.J. [1996] I.C.R. 913

"*Special compensation*"—International Salvage Convention 1986, art. 14 **Semco Salvage & Marine Pte. Ltd. v. Lancer Navigation Co. Ltd.,** C.A. [1996] 1 Lloyd's Rep. 449

"*Special reasons*"—Road Traffic Offenders Act 1988, s. 34(1) **Director of Public Prosecutions v. Cox,** D.C. [1996] R.T.R. 123

"*Sufficient cause*"—Commissions of Inquiry Act 1908, s. 9(1) **Brannigan v. Davision,** P.C. [1996] 3 W.L.R. 859

"*Suitable means*"—Construction (Working Places) Regulations 1966, reg. 36(2) **Reg. v. Rhône-Poulenc Rorer Ltd.,** C.A. [1996] I.C.R. 1054

"*Taking effect in possession*"—Law of Property Act 1925, s. 54(2) **Long v. Tower Hamlets London Borough Council,** James Munby Q.C. [1996] 3 W.L.R. 317

"*Term*"—Restrictive Trade Practices Act 1976, s. 9(3) **Associated Dairies Ltd. v. Baines,** C.A. [1996] I.C.R. 183

"*To another person*"—Criminal Justice and Public Order Act 1994, s. 51(1) **Director of Public Prosecutions v. Mills,** D.C. [1996] 3 W.L.R. 1093

"*Together receiving treatment services*"—Human Fertilisation and Embryology Act 1990, Sch. 3, para. 5 **Reg. v. Human Fertilisation and Embryology Authority,** *Ex parte* **Blood,** Sir Stephen Brown P. [1996] 3 W.L.R. 1176

"*Trading income*"—Income and Corporation Taxes Act 1988, s. 393(8) **Nuclear Electric Plc. v. Bradley,** H.L.(E.) [1996] 1 W.L.R. 529

"*Transfer of an undertaking, business or part of a business*"—Council Directive (77/187/E.E.C.), art. 1(1) **Ledernes Hovedorganisation v. Dansk Arbejdsgiverforening (Rygaard's Case) (Case C-48/94),** E.C.J. [1996] I.C.R. 333

"*Undertaking*"—Health and Safety at Work etc. Act 1974, s. 3(1) **Reg. v. Associated Octel Co. Ltd.,** H.L.(E.) [1996] 1 W.L.R. 1543; [1996] I.C.R. 972

"*Use*"—Road Traffic Act 1988, s. 143(1) **Pumbien v. Vines,** D.C. [1996] R.T.R. 37

"*Well-founded fear of being persecuted*"—Convention and Protocol relating to the Status of Refugees (1951), art. 1A(2) **M. v. Secretary of State for the Home Department,** C.A. [1996] 1 W.L.R. 507

"*With the consent . . . of*"—Banking Act 1987, s. 96(1) **Attorney-General's Reference (No. 1 of 1995),** C.A. [1996] 1 W.L.R. 970

"*Without foundation*"—Asylum and Immigration Appeals Act 1993, Sch. 2, para. 5(1) **Reg. v. Secretary of State for the Home Department,** *Ex parte* **Abdi,** H.L.(E.) [1996] 1 W.L.R. 298

"*Work for*"—Race Relations Act 1976, s. 7(1) **Harrods Ltd. v. Remick,** E.A.T. [1996] I.C.R. 846

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Anns v. Merton London Borough Council [1978] A.C. 728; [1977] 2 W.L.R. 1024; [1977] 2 All E.R. 429, H.L.(E.). **Considered,** *Stovin v. Wise* [1996] A.C. 923; [1996] 3 W.L.R. 388, H.L.(E.). **Distinguished,** *John Munroe (Acrylics) Ltd. v. London Fire and Civil Defence Authority* [1996] 3 W.L.R. 988

Aratra Potato Co. Ltd. v. Egyptian Navigation Co. [1981] 2 Lloyd's Rep. 119, C.A. **Applied,** *Citi-March Ltd. v. Neptune Orient Lines Ltd.* [1996] 1 W.L.R. 1367

Aries Tanker Corpn. v. Total Transport Ltd. [1977] 1 W.L.R. 185; [1977] 1 All E.R. 398, H.L.(E.). **Applied,** *United Carriers Ltd. v. Heritage Food Group (U.K.) Ltd.* [1996] 1 W.L.R. 371

Arrows Ltd. (No. 4), *In re* [1995] 2 A.C. 75; [1994] 3 W.L.R. 656; [1994] 3 All E.R. 814, H.L.(E.). **Considered,** *Soden v. Burns* [1996] 1 W.L.R. 1512

Associated Dairies Ltd. v. Baines [1995] I.C.R. 296. **Decision of Sir John Vinelott sitting as a judge of the Chancery Division reversed** [1996] I.C.R. 183, C.A.

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Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn. [1948] 1 K.B. 223; [1947] 2 All E.R. 680, C.A. **Applied,** *Douglas v. Pindling* [1996] A.C. 890; [1996] 3 W.L.R. 242, P.C. **Considered,** *R. v. Secretary of State for the Home Department, Ex parte Onibiyo* [1996] Q.B. 768; [1996] 2 W.L.R. 490, C.A.

Atherton, *In re* [1912] 2 K.B. 251, 255. **Dictum of Phillimore J. applied,** *Brannigan v. Davison* [1996] 3 W.L.R. 859, P.C.

Atkinson v. Dancer (1988) 61 T.C. 598. **Considered,** *Wase v. Bourke* (1995) T.C. Leaflet No. 3455

Atlantic Computer Systems Plc., *In re* [1992] Ch. 505; [1992] 2 W.L.R. 367; [1992] 1 All E.R. 476, C.A. **Applied,** *Brown v. City of London Corpn.* [1996] 1 W.L.R. 1070. **Considered,** *In re Cosslett (Contractors) Ltd.* [1996] 3 W.L.R. 299

Atlantic Lines & Navigation Co. Inc. v. Didymi Corpn. [1984] 1 Lloyd's Rep. 583, Staughton J. and C.A. **Considered,** *Hyundai Merchant Marine Co. Ltd. v. Karander Maritime Inc.* [1996] 2 Lloyd's Rep. 66

Attorney-General v. Cocke [1988] Ch. 414; [1988] 2 W.L.R. 542; [1988] 2 All E.R. 391. **Applied,** *Nelson v. Rye* [1996] 1 W.L.R. 1378

Attorney-General v. Guardian Newspapers Ltd. (No. 2) [1990] 1 A.C. 109; [1988] 3 W.L.R. 776; [1988] 3 All E.R. 545, H.L.(E.). **Applied,** *Attorney-General v. Blake* [1996] 3 W.L.R. 741

Attorney-General v. Ross [1986] 1 W.L.R. 252; [1985] 3 All E.R. 334. **Applied,** *Funnell v. Stewart* [1996] 1 W.L.R. 288

Attorney-General for Hong Kong v. Reid [1994] 1 A.C. 324; [1993] 3 W.L.R. 1143; [1994] 1 All E.R. 1, P.C. **Applied,** *Attorney-General v. Blake* [1996] 3 W.L.R. 741

Attorney-General for Ontario v. Attorney-General for the Dominion [1896] A.C. 348, P.C. **Distinguished,** *Ng Enterprises Ltd. v. Urban Council* [1996] 3 W.L.R. 751, P.C.

Attorney-General of Hong Kong v. Nai-Keung [1987] 1 W.L.R. 1339, P.C. **Distinguished,** *R. v. Preddy* [1996] A.C. 815; [1996] 3 W.L.R. 255, H.L.(E.)

Attorney-General of Hong Kong v. Cheung Wai-bun [1994] 1 A.C. 1; [1993] 3 W.L.R. 242; [1993] 2 All E.R. 510, P.C. **Distinguished,** *Director of Public Prosecutions v. Tokai* [1996] A.C. 856; [1996] 3 W.L.R. 149, P.C.

Attorney-General's Reference (No. 1 of 1990) [1992] Q.B. 630; [1992] 3 W.L.R. 9; [1992] 3 All E.R. 169; 95 Cr.App.R. 296, C.A. **Followed,** *R. v. Chief Constable of Devon and Cornwall Constabulary, Ex parte Hay* [1996] 2 All E.R. 711. **Applied,** *R. v. Wilkinson* [1996] 1 Cr.App.R. 81, C.A.; *Director of Public Prosecutions v. Tokai* [1996] A.C. 856; [1996] 3 W.L.R. 149, P.C. **Considered,** *R. v. E.* [1996] 1 Cr.App.R. 88, C.A.

Australian Consolidated Press Ltd. v. Uren [1969] 1 A.C. 590; [1967] 3 W.L.R. 1338; [1967] 3 All E.R. 523, P.C. **Applied,** *Invercargill City Council v. Hamlin* [1996] A.C. 624; [1996] 2 W.L.R. 367, P.C.

Axa Reinsurance (U.K.) Plc. v. Field [1996] 1 Lloyd's Rep. 26, C.A. **Decision of the Court of Appeal reversed** [1996] 1 W.L.R. 1026, H.L.(E.)

B. (Minors) (Abduction) (No. 2), *In re* [1993] 1 F.L.R. 993. **Applied,** *In re A. (Minors) (Abduction: Habitual Residence)* [1996] 1 W.L.R. 25

B.C. (A Minor) (Care Order: Appropriate Local Authority), *In re* [1995] 3 F.C.R. 598. **Not followed,** *Gateshead Metropolitan Borough Council v. L.* [1996] Fam. 55; [1996] 3 W.L.R. 426

B.L.P. Group Plc. v. Customs and Excise Comrs. (Case C-4/94) [1996] 1 W.L.R. 174, E.C.J. **Applied,** *Robert Gordon's College v. Customs and Excise Comrs.* [1996] 1 W.L.R. 201, H.L.(Sc.)

Bachmann v. Belgian State (Case C-204/90) [1992] E.C.R. I-249, E.C.J. **Considered,** *Wielockx v. Inspecteur der Directe Belastingen* (Case C-80/94) [1996] 1 W.L.R. 84, E.C.J.

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Banister v. Islington London Borough Council (1972) 71 L.G.R. 239, D.C. **Distinguished,** *Brown v. City of London Corpn.* [1996] 1 W.L.R. 1070

Bank Line Ltd. v. Inland Revenue Comrs. (1974) 49 T.C. 307. **Applied,** *Nuclear Electric Plc. v. Bradley* [1996] 1 W.L.R. 529, H.L.(E.). **Considered,** *Nuclear Electric Plc. v. Bradley* (1995) T.C. Leaflet No. 3452, C.A.

Bank of Baroda v. Panessar [1987] Ch. 335; [1987] 2 W.L.R. 208; [1986] 3 All E.R. 751. **Considered,** *Sheppard & Cooper Ltd. v. T.S.B. Bank Plc.* [1996] 2 All E.R. 654

Bank of Baroda v. Vysya Bank Ltd. [1994] 2 Lloyd's Rep. 87. **Considered,** *Wahda Bank v. Arab Bank Plc.* [1996] 1 Lloyd's Rep. 470, C.A.

Bank of Credit and Commerce Hong Kong Ltd. v. Sonali Bank [1995] 1 Lloyd's Rep. 227. **Considered,** *Wahda Bank v. Arab Bank Plc.* [1996] 1 Lloyd's Rep. 470, C.A.

Bank of Credit and Commerce International S.A. (No. 8), *In re* [1995] Ch. 46; [1994] 3 W.L.R. 911; [1994] 3 All E.R. 565. **Decision of Rattee J. affirmed** [1996] Ch. 245; [1996] 2 W.L.R. 631, C.A.

Bannister v. Hyde (1860) 2 E. & E. 627. **Considered,** *McLeod v. Butterwick* [1996] 1 W.L.R. 995

Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd. [1995] Q.B. 375; [1995] 2 W.L.R. 607; [1995] 2 All E.R. 769, C.A. **Decision of the Court of Appeal reversed** [1996] 3 W.L.R. 87, H.L.(E.)

Banque Keyser Ullmann S.A. v. Skandia (U.K.) Insurance Co. Ltd. [1991] 2 A.C. 249; [1990] 3 W.L.R. 364; [1990] 2 All E.R. 947, H.L.(E.) **Applied,** *Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd.* [1996] 3 W.L.R. 87, H.L.(E.)

Barber v. Thames Television Plc. [1992] I.C.R. 661, 671, 673, C.A. **Dicta of Dillon and Staughton L.JJ. not followed,** *Bratko v. Beloit Walmsley Ltd.* [1996] I.C.R. 76, E.A.T.

Barbuda Enterprises Ltd. v. Attorney-General of Antigua and Barbuda [1993] 1 W.L.R. 1052, P.C. **Distinguished,** *Lewis v. St. Hillaire* [1996] 1 W.L.R. 981, P.C.

Barclays Bank Ltd. v. Beck [1952] 2 Q.B. 47; [1952] 1 All E.R. 549, C.A. **Applied,** *National Westminster Bank Plc. v. Kitch* [1996] 1 W.L.R. 1316, C.A.

Barclays Bank Plc. v. Glasgow City Council [1993] Q.B. 429; [1992] 3 W.L.R. 827; [1994] 4 All E.R. 865. **Decision of Hirst J. reversed,** *Kleinwort Benson Ltd. v. Glasgow City Council* [1996] Q.B. 678; [1996] 2 W.L.R. 655, C.A.

Barclays Bank Plc. v. O'Brien [1993] Q.B. 109; [1992] 3 W.L.R. 593; [1992] 4 All E.R. 983, C.A.; [1994] 1 A.C. 180; [1993] 3 W.L.R. 786; [1993] 4 All E.R. 417, H.L.(E.). **Considered,** *Zandfarid v. Bank of Credit and Commerce International S.A.* [1996] 1 W.L.R. 1420

Barnett v. Chelsea and Kensington Hospital Management Committee [1969] 1 Q.B. 428; [1968] 2 W.L.R. 422; [1968] 1 All E.R. 1068. **Distinguished,** *John Munroe (Acrylics) Ltd. v. London Fire and Civil Defence Authority* [1996] 3 W.L.R. 988

Barrow v. Bankside Agency Ltd. [1995] 2 Lloyd's Rep. 472. **Decision of Phillips J. affirmed** [1996] 1 W.L.R. 257, C.A.

Barton v. Armstrong [1969] 2 N.S.W.R. 451. **Applied,** *R. v. Ireland* [1996] 3 W.L.R. 650, C.A.

Batty, decd., *In re* [1952] Ch. 280; [1952] 1 All E.R. 425. **Distinguished,** *Begg-MacBrearty v. Stilwell* [1996] 1 W.L.R. 951

Becker v. Noel (Practice Note) [1971] 1 W.L.R. 803; [1971] 2 All E.R. 1248, C.A. **Not followed,** *Jones v. Vans Colina* [1996] 1 W.L.R. 1580, C.A.

Beckett (Alfred F.) Ltd. v. Lyons [1967] Ch. 449; [1967] 2 W.L.R. 421; [1967] 1 All E.R. 833; 65 L.G.R. 73, C.A. **Considered,** *Ministry of Defence v. Wiltshire County Council* [1995] 4 All E.R. 931

Beckford v. The Queen (1993) 97 Cr.App.R. 409, P.C. **Applied,** *Shand v. The Queen* [1996] 1 W.L.R. 67, P.C.

Bell v. Director of Public Prosecutions [1985] A.C. 937; [1985] 3 W.L.R. 73; [1985] 2 All E.R. 585, P.C. **Distinguished,** *Director of Public Prosecutions v. Tokai* [1996] A.C. 856; [1996] 3 W.L.R. 149, P.C.

Belmont Finance Corpn. Ltd. v. Williams Furniture Ltd. [1979] Ch. 250; [1978] 3 W.L.R. 712; [1979] 1 All E.R. 118, C.A. **Applied,** *P.C.W. Syndicates v. P.C.W. Reinsurers* [1996] 1 W.L.R. 1136, C.A.

Belvedere Court Management Ltd. v. Frogmore Developments Ltd. [1996] 3 W.L.R. 1008; [1996] 1 All E.R. 312, C.A. **Applied,** *Kay Green v. Twinsectra* [1996] 1 W.L.R. 1587, C.A.

Bennett & White (Calgary) Ltd. v. Municipal District of Sugar City No. 5 [1951] A.C. 786, P.C. **Distinguished,** *In re Cosslett (Contractors) Ltd.* [1996] 3 W.L.R. 299

Benson v. Yard Arm Club Ltd. [1979] 1 W.L.R. 347; [1979] 2 All E.R. 336; 53 T.C. 67, C.A. **Considered,** *Attwood v. Anduff Carwash Ltd.* (1995) T.C. Leaflet No. 3460

Berkeley Administration Inc. v. McClelland [1990] 2 Q.B. 407; [1990] 2 W.L.R. 1021; [1990] 1 All E.R. 958, C.A. **Not followed,** *Fitzgerald v. Williams* [1996] Q.B. 657; [1996] 2 W.L.R. 447, C.A.

Besterman, decd., *In re* [1984] Ch. 458; [1984] 3 W.L.R. 280; [1984] 2 All E.R. 656, C.A. **Applied,** *In re Krubert, decd.* [1996] 3 W.L.R. 959, C.A.

Biggs v. Somerset County Council [1995] I.C.R. 811, E.A.T. **Followed,** *Rastall v. Midlands Electricity Plc.* [1996] I.C.R. 644, E.A.T.

Biggs v. Somerset County Council [1995] I.C.R. 811, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1996] I.C.R. 364, C.A.

Biggs v. Somerset County Council [1996] I.C.R. 364, C.A. **Applied,** *Hammersmith and Fulham London Borough Council v. Jesuthasan* [1996] I.C.R. 991, E.A.T.

Bird v. Birds Eye Walls Ltd., The Times, 24 July 1987; Court of Appeal (Civil Division) Transcript No. 766 of 1987, C.A. **Distinguished,** *Gale v. Superdrug Stores Plc.* [1996] 1 W.L.R. 1089, C.A.

Birkett v. James [1978] A.C. 297; [1977] 3 W.L.R. 38; [1977] 2 All E.R. 801, H.L.(E.). **Applied,** *Romain v. Scuba T.V. Ltd.* [1996] 3 W.L.R. 117, C.A.; *Shtun v. Zalejska* [1996] 1 W.L.R. 1270, C.A. **Considered,** *Gahan v. Szerelmey (U.K.) Ltd.* [1996] 1 W.L.R. 439, C.A.; *Administracion Nacional de Combustibles Alcohol y Portland v. Ridgley Shipping Inc.* [1996] 1 Lloyd's Rep. 570. **Distinguished,** *Jackson v. Slater Harrison & Co. Ltd.* [1996] 1 W.L.R. 597, C.A.

Black King Shipping Corpn. v. Massie [1985] 1 Lloyd's Rep. 437. **Applied,** *Credit Lyonnais Bank Nederland v. Export Credit Guarantee Department* [1996] 1 Lloyd's Rep. 200

Blackburn, Low & Co. v. Haslam (1888) 21 Q.B.D. 144, D.C. **Considered,** *P.C.W. Syndicates v. P.C.W. Reinsurers* [1996] 1 W.L.R. 1136, C.A.

Blackburn, Low & Co. v. Vigors (1887) 12 App.Cas. 531, H.L.(E.). **Considered,** *P.C.W. Syndicates v. P.C.W. Reinsurers* [1996] 1 W.L.R. 1136, C.A.

Blake, *Ex parte; In re* McEwan (1879) 11 Ch.D. 572, C.A. **Applied,** *In re Park Air Services Plc.* [1996] 1 W.L.R. 649

Boodram v. Attorney-General of Trinidad and Tobago [1996] A.C. 842; [1996] 2 W.L.R. 464, P.C. **Applied,** *Director of Public Prosecutions v. Tokai* [1996] A.C. 856; [1996] 3 W.L.R. 149, P.C.

Boston Deep Sea Fishing and Ice Co. v. Ansell (1888) 39 Ch.D. 339, C.A. **Distinguished,** *S.O.S. Kinderdorf International v. Bittaye* [1996] 1 W.L.R. 987, P.C.

Botzen v. Rotterdamische Droogdok Maatschappij B.V. (Case 186/83) [1985] E.C.R. 519, E.C.J. **Considered,** *Buchanan-Smith v. Schleicher & Co. International Ltd.* [1996] I.C.R. 613, E.A.T.

Bourgoin S.A. v. Ministry of Agriculture, Fisheries and Food [1986] Q.B. 716; [1985] 3 W.L.R. 1027; [1985] 3 All E.R. 585, Mann J. and C.A. **Considered,** *Three Rivers District Council v. Bank of England (No. 3)* [1996] 3 All E.R. 558

Bovey v. Board of Governors of the Hospital for Sick Children [1978] I.C.R. 934, E.A.T. **Considered,** *British Telecommunications v. Roberts* [1996] I.C.R. 625, E.A.T.

Bowring (C.T.) & Co. (Insurance) Ltd. v. Corsi Partners Ltd. [1994] 2 Lloyd's Rep. 567, C.A. **Applied,** *Condliffe v. Hislop* [1996] 1 W.L.R. 753, C.A.

Braddon Towers Ltd. v. International Stores Ltd. [1987] 1 E.G.L.R. 209, 213–214. **Dicta of Slade J. applied,** *Co-operative Insurance Society Ltd. v. Argyll Stores (Holdings) Ltd.* [1996] Ch. 286; [1996] 3 W.L.R. 27, C.A.

Brasserie du Pêcheur S.A. v. Federal Republic of Germany; R. v. Secretary of State for Transport, *Ex parte* Factortame Ltd. (No. 4) (Joined Cases C-46/93 and C-48/93) [1996] Q.B. 404, 499, para. 51; [1996] 2 W.L.R. 506; [1996] All E.R. (E.C.) 301, E.C.J. **Applied,** *R. v. H.M. Treasury, Ex parte British Telecommunications Plc. (Case C-392/93)* [1996] Q.B. 615; [1996] 3 W.L.R. 203, E.C.J.; *R. v. Ministry of Agriculture, Fisheries and Food, Ex parte Hedley Lomas (Ireland) Ltd. (Case C-5/94)* [1996] 3 W.L.R. 787, E.C.J.

Bree v. Scott (1904) 29 V.L.R. 692. **Applied,** *Chung Ping Kwan v. Lam Island Development Co. Ltd.* [1996] 3 W.L.R. 448, P.C.

Brickenden v. London Loan and Savings Co. [1934] 3 D.L.R. 465, P.C. **Applied,** *Bristol and West Building Society v. May May & Merrimans* [1996] 2 All E.R. 801

Brisbane City Council v. Attorney-General for Queensland [1979] A.C. 411; [1978] 3 W.L.R. 299; [1978] 3 All E.R. 30, P.C. **Considered,** *Barrow v. Bankside Agency Ltd.* [1996] 1 W.L.R. 257, C.A.

Bristol Airport Plc. v. Powdrill [1990] Ch. 744; [1990] 2 W.L.R. 1362; [1990] 2 All E.R. 493, C.A. **Considered,** *In re Saunders (A Bankrupt)* [1996] 3 W.L.R. 473

British & Commonwealth Holdings Plc. (Nos. 1 and 2), *In re* [1992] Ch. 342; [1992] 2 W.L.R. 931; [1992] 2 All E.R. 801, C.A. **Considered,** *In re Murjani (A Bankrupt)* [1996] 1 W.L.R. 1498

British Coal Corpn. v. Smith [1994] I.C.R. 810, C.A. **Decision of the Court of Appeal reversed in part** [1996] I.C.R. 515, H.L.(E.)

British Home Stores Ltd. v. Burchell (Note) [1980] I.C.R. 303, E.A.T. **Considered,** *Chamberlain Vinyl Products Ltd. v. Patel* [1996] I.C.R. 113, E.A.T.

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Broadhurst v. The Queen [1964] A.C. 441, 457; [1964] 2 W.L.R. 38; [1964] 1 All E.R. 111, P.C. **Dictum of Lord Devlin considered,** *R. v. Lesley* [1996] 1 Cr.App.R. 39, C.A.

Brogden v. Metropolitan Railway Co. (1877) 2 App.Cas. 666, H.L.(E.). **Considered,** *Jayaar Impex Ltd. v. Toaken Group Ltd. (trading as Hicks Brothers)* [1996] 2 Lloyd's Rep. 437

Broken Hill Pty. Co. Ltd. v. Xenakis [1982] 2 Lloyd's Rep. 304. **Considered,** *Wahda Bank v. Arab Bank Plc.* [1996] 1 Lloyd's Rep. 470, C.A.

Brook's Wharf and Bull Wharf Ltd. v. Goodman Brothers [1937] 1 K.B. 534, 538. **Dictum of Lord Wright applied,** *Sutcliffe v. Chief Constable of West Yorkshire* [1996] R.T.R. 86, C.A.

Brooks v. British Telecommunications Plc. [1992] I.C.R. 414, 430, 432, C.A. **Dicta of Butler-Sloss L.J. and Sir Christopher Slade followed,** *Bratko v. Beloit Walmsley Ltd.* [1996] I.C.R. 76, E.A.T.

Broome v. Cassell & Co. Ltd. [1972] A.C. 1027; [1972] 2 W.L.R. 645; [1972] 1 All E.R. 801, H.L.(E.). **Considered,** *John v. MGN Ltd.* [1996] 3 W.L.R. 593, C.A.

Brown v. Haig [1905] 2 Ch. 379. **Distinguished,** *Penny v. Penny* [1996] 1 W.L.R. 1204, C.A.

Brown v. Skirrow [1902] P. 3. **Distinguished,** *Couser v. Couser* [1996] 1 W.L.R. 1301

Buckland v. Watts [1970] 1 Q.B. 27; [1969] 3 W.L.R. 92; [1969] 2 All E.R. 985, C.A. **Applied,** *Jonathan Alexander Ltd. v. Proctor* [1996] 1 W.L.R. 518, C.A.

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Burrows v. Brent London Borough Council (1995) 27 H.L.R. 748, C.A. **Decision of the Court of Appeal reversed** [1996] 1 W.L.R. 1448, H.L.(E.)

Burt v. Governor-General [1992] 3 N.Z.L.R. 672. **Distinguished,** *Reckley v. Minister of Public Safety and Immigration (No. 2)* [1996] A.C. 527; [1996] 2 W.L.R. 281, P.C.

Butera v. Director of Public Prosecutions (1988) 76 A.L.R. 45, 48, 51. **Applied,** *R. v. Welstead* [1996] 1 Cr.App.R. 59, C.A.

Butler v. Rice [1910] 2 Ch. 277. **Distinguished,** *Boscawen v. Bajwa* [1996] 1 W.L.R. 328, C.A.

C. (A Minor) (Wardship: Medical Treatment) (No. 2), *In re* [1990] Fam. 39; [1989] 3 W.L.R. 252; [1989] 2 All E.R. 791, C.A. **Considered,** *In re Z (A Minor) (Identification: Restrictions on Publication)* [1996] 2 W.L.R. 88, C.A.

C. (A Minor) v. Director of Public Prosecutions [1996] A.C. 1; [1995] 2 W.L.R. 383; [1995] 2 All E.R. 43; [1995] R.T.R. 261; [1995] 2 Cr.App.R. 166, H.L.(E.). **Applied,** *C.C. (A Minor) v. Director of Public Prosecutions* [1996] 1 Cr.App.R. 375, D.C.; *R. v. Sheldon* [1996] 2 Cr.App.R. 50, C.A.

C.B. (A Minor) (Blood Tests), *In re* [1994] 2 F.L.R. 762. **Considered,** *In re H. (A Minor) (Blood Tests: Parental Rights* [1996] 3 W.L.R. 506, C.A.

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Camilla Cotton Oil Co. v. Granadex S.A. [1976] 2 Lloyd's Rep. 10, H.L.(E.). **Considered,** *Berliner Bank A.G. v. C. Czarnikow Sugar Ltd.* [1996] 2 Lloyd's Rep. 281

Cammell Laird and Co. Ltd. v. Manganese Bronze and Brass Co. Ltd. [1934] A.C. 402, H.L.(E.). **Distinguished,** *Slater v. Finning Ltd.* [1996] 3 W.L.R. 190, H.L.(Sc.)

Campbell v. General Comrs. of Income Tax for Rochdale [1975] 2 All E.R. 385; 50 T.C. 411. **Considered,** *Johnson v. Blackpool General Comrs. of Inland Revenue Comrs.* (1995) T.C. Leaflet No. 3465

Caparo Industries Plc. v. Dickman [1990] 2 A.C. 605; [1990] 2 W.L.R. 358; [1990] 1 All E.R. 568, H.L.(E.). **Applied,** *Goodwill v. British Pregnancy Advisory Service* [1996] 1 W.L.R. 1397, C.A.; *Capital & Counties Plc. v. Hampshire County Council* [1996] 1 W.L.R. 1553; *John Munroe (Acrylics) Ltd. v. London Fire and Civil Defence Authority* [1996] 3 W.L.R. 988

Capital Fire Insurance Association, *In re* (1883) 24 Ch.D. 408, C.A. **Applied,** *D.T.C. (C.N.C.) Ltd. v. Gary Sargeant & Co.* [1996] 1 W.L.R. 797

Cardiff Savings Bank, *In re*; Davies' Case (1890) 45 Ch.D. 537. **Applied,** *In re A.M.F. International Ltd.* [1996] 1 W.L.R. 77

Carecraft Construction Co. Ltd., *In re* [1994] 1 W.L.R. 172, 181, 183; [1993] 4 All E.R. 499. **Dicta of Ferris J. disapproved,** *Secretary of State for Trade and Industry v. Rogers* [1996] 1 W.L.R. 1569, C.A.

Carr v. Sayer (1992) 65 T.C. 15. **Considered,** *Attwood v. Anduff Carwash Ltd.* (1995) T.C. Leaflet No. 3460

Carreras Rothmans Ltd. v. Freeman Mathews Treasure Ltd. [1985] Ch. 207; [1984] 3 W.L.R. 1016; [1985] 1 All E.R. 155. **Considered,** *In re Cosslett (Contractors) Ltd.* [1996] 3 W.L.R. 299

Cartledge v. E. Jopling & Sons Ltd. [1963] A.C. 758; [1963] 2 W.L.R. 210; [1963] 1 All E.R. 341, H.L.(E.). **Considered,** *Invercargill City Council v. Hamlin* [1996] 2 W.L.R. 367, P.C.

Carvill v. Inland Revenue Comrs. (1995) T.C. Leaflet No. 3461. **Considered,** *Bradley v. London Electricity Plc.* (1996) T.C. Leaflet No. 3462

Casson v. Dade (1781) 1 Bro.C.C. 99. **Applied,** *Couser v. Couser* [1996] 1 W.L.R. 1301

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Chan Wing-Siu v. The Queen [1985] A.C. 168; [1984] 3 W.L.R. 677; [1984] 3 All E.R. 877; 80 Cr.App.R. 117, P.C. **Applied,** *R. v. Powell (Anthony)* [1996] 1 Cr.App.R. 14, C.A.

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Charter Reinsurance Co. Ltd. v. Fagan [1996] 2 W.L.R. 726; [1996] 1 All E.R. 406, C.A. **Decision of the Court of Appeal affirmed** [1996] 2 W.L.R. 726, H.L.(E.)

Chase Manhattan Bank N.A. v. Israel-British Bank (London) Ltd. [1981] Ch. 105; [1980] 2 W.L.R. 202; [1979] 3 All E.R. 1025. **Considered,** *Westdeutsche Landesbank Girozentrale v. Islington London Borough Council* [1996] A.C. 669; [1996] 2 W.L.R. 802, H.L.(E.)

Cheltenham and Gloucester Building Society v. Building Societies Commission [1995] Ch. 185; [1994] 3 W.L.R. 1238; [1994] 4 All E.R. 65. **Considered,** *Building Societies Commission v. Halifax Building Society* [1996] 3 W.L.R. 1158

Chief Adjudication Officer v. Quinn [1996] 1 W.L.R. 1184, H.L.(E.). **Applied,** *Steane v. Chief Adjudication Officer* [1996] 1 W.L.R. 1195, H.L.(E.)

Chief Constable of Hampshire v. A. Ltd. [1985] Q.B. 132; [1984] 2 W.L.R. 954; [1984] 2 All E.R. 385, C.A. **Applied,** *Morris v. Murjani* [1996] 1 W.L.R. 848, C.A.

Chief Constable of Leicestershire v. M. [1989] 1 W.L.R. 20; [1988] 3 All E.R. 1015. **Approved,** *Halifax Building Society v. Thomas* [1996] Ch. 217; [1996] 2 W.L.R. 63, C.A.

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Churchill v. A. Yeates & Son Ltd. [1983] I.C.R. 380, E.A.T. **Distinguished,** *Marley (U.K.) Ltd. v. Anderson* [1996] I.C.R. 728, C.A.

Citro (Domenico) (A Bankrupt), *In re* [1991] Ch. 142; [1990] 3 W.L.R. 880; [1990] 3 All E.R. 952, C.A. **Applied,** *Zandfarid v. Bank of Credit and Commerce International S.A.* [1996] 1 W.L.R. 1420

City of London Corpn. v. Fell [1994] 1 A.C. 458, 465; [1993] 3 W.L.R. 1164; [1993] 4 All E.R. 968; 92 L.G.R. 1, H.L.(E.). **Dictum of Lord Templeman applied,** *Friends' Provident Life Office v. British Railways Board* [1996] 1 All E.R. 336, C.A.

Clark v. Urquhart [1930] A.C. 28, 68, H.L.(N.I.). **Dictum of Lord Atkins applied,** *Smith New Court Securities Ltd. v. Scrimgeour Vickers (Asset Management) Ltd.* [1996] 3 W.L.R. 1051, H.L.(E.)

Clea Shipping Corpn. v. Bulk Oil International Ltd. (No. 2) [1983] 2 Lloyd's Rep. 645. **Applied,** *Stocznia Gdanska S.A. v. Latvian Shipping Co.* [1996] 2 Lloyd's Rep. 132, C.A.

Cleaver, decd., *In re* [1981] 1 W.L.R. 939; [1981] 2 All E.R. 1018. **Distinguished,** *In re Goodchild, decd.* [1996] 1 W.L.R. 694

Cleveland County Council v. F. [1995] 1 W.L.R. 785; [1995] 2 All E.R. 236. **Disapproved,** *In re G. (A Minor) (Social Worker: Disclosure)* [1996] 1 W.L.R. 1407, C.A.

Cocks v. Thanet District Council [1982] 2 A.C. 286, 292–293; [1982] 3 W.L.R. 1121; [1982] 3 All E.R. 1135, H.L.(E.). **Dictum of Lord Bridge considered,** *British Steel Plc. v. Customs and Excise Comrs.* [1996] 1 All E.R. 1002

Cole v. Booker (1913) 29 T.L.R. 295. **Considered,** *Aratra Potato Co. Ltd. v. Taylor Joynson Garrett* [1995] 4 All E.R. 695

Colonial Bank v. Cady and Williams (1890) 15 App.Cas. 267, H.L.(E.). **Considered,** *Macmillan Inc. v. Bishopsgate Investment Trust Plc. (No. 3)* [1996] 1 W.L.R. 387, C.A.

Colonial Mutual Life Assurance Society Ltd. v. Federal Comr. of Taxation (1946) 73 C.L.R. 604. **Considered,** *Nuclear Electric Plc. v. Bradley* (1995) T.C. Leaflet No. 3452, C.A.

Comet Products U.K. Ltd. v. Hawkex Plastics Ltd. [1971] 2 Q.B. 67; [1971] 2 W.L.R. 361; [1971] 1 All E.R. 1141, C.A. **Applied,** *In re B. (A Minor) (Contempt of Court: Affidavit Evidence)* [1996] 1 W.L.R. 627

Comfort v. Betts [1891] 1 Q.B. 737, C.A. **Followed,** *Camdex International Ltd. v. Bank of Zambia* [1996] 3 W.L.R. 759, C.A.

Commercial Bank of Australia Ltd. v. Amadio (1983) 151 C.L.R. 447. **Applied,** *Credit Lyonnais Bank Nederland v. Export Credit Guarantee Department* [1996] 1 Lloyd's Rep. 200

Commission of the European Communities v. United Kingdom (Case C-383/92) [1994] I.C.R. 664; [1994] E.C.R. I-2435, E.C.J. **Considered,** *Secretary of State for Employment v. Mann* [1996] I.C.R. 197, E.A.T.; *R. v. Secretary of State for Trade and Industry, Ex parte Unison* [1996] I.C.R. 1003, D.C.

Compagnie Financière du Pacifique v. Peruvian Guano Co. (1882) 11 Q.B.D. 55, C.A. **Considered,** *O. Co. v. M. Co.* [1996] 2 Lloyd's Rep. 347

Connolly v. Lancashire County Council [1994] R.T.R. 79, D.C. **Applied,** *East West Transport Ltd. v. Director of Public Prosecutions* [1996] R.T.R. 184, D.C.

Consolidated Goldfields Plc. v. Inland Revenue Comrs. [1990] 2 All E.R. 398; 63 T.C. 333. **Applied,** *Willson v. Hooker* (1995) T.C. Leaflet No. 3451; *Bradley v. London Electricity Plc.* (1996) T.C. Leaflet No. 3462. **Considered,** *Carvill v. Inland Revenue Comrs.* (1990) T.C. Leaflet No. 3461

Coppée Lavalin N.V. (S.A.) v. Ken-Ren Chemicals and Fertilizers Ltd. [1995] 1 A.C. 38; [1994] 2 W.L.R. 631; [1994] 2 All E.R. 449; [1944] 2 Lloyd's Rep. 109, H.L.(E.). **Considered,** *Regia Autonoma de Electricitate Renel v. Gulf Petroleum International Ltd.* [1996] 1 Lloyd's Rep. 67

Corbett v. Newey [1994] Ch. 388; [1994] 3 W.L.R. 548; [1995] 1 All E.R. 570. **Decision of Eben Hamilton Q.C. sitting as a deputy judge of the Chancery Division reversed** [1996] 3 W.L.R. 729, C.A.

Cottee v. Douglas Seaton (Used Cars) Ltd. [1972] 1 W.L.R. 1408; [1972] 3 All E.R. 750; [1972] R.T.R. 509, D.C. **Distinguished,** *Roberts v. Leonard* (1995) 94 L.G.R. 284, D.C.

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Courtaulds Northern Spinning Ltd. v. Moosa [1984] I.C.R. 218, E.A.T. **Approved,** *Tracey v. Crosville Wales Ltd.* [1996] I.C.R. 237, C.A.

Coventry, decd., *In re* [1980] Ch. 461; [1979] 3 W.L.R. 802; [1979] 3 All E.R. 815, C.A. **Applied,** *In re Goodchild, decd.* [1996] 1 W.L.R. 694

Cox v. Bankside Members Agency Ltd. [1995] 2 Lloyd's Rep. 437. **Applied,** *Axa Reinsurance (U.K.) Ltd. v. Field* [1996] 1 Lloyd's Rep. 26, C.A. **Distinguished,** *Axa Reinsurance (U.K.) Plc. v. Field* [1996] 1 W.L.R. 1026, H.L.(E.)

Cranley Mansions Ltd., *In re* [1994] 1 W.L.R. 1610. **Overruled,** *Doorbar v. Alltime Securities Ltd.* [1996] 1 W.L.R. 456, C.A.

Crest Homes Plc. v. Marks [1987] A.C. 829; [1987] 3 W.L.R. 293; [1987] 2 All E.R. 1074, H.L.(E.). **Applied,** *Miller v. Scorey* [1996] 1 W.L.R. 1122

Crédit Suisse v. Allerdale Borough Council [1995] 1 Lloyd's Rep. 315. **Decision of Colman J. affirmed** [1996] 3 W.L.R. 894, C.A.

Crédit Suisse v. Allerdale Borough Council [1996] 3 W.L.R. 894; [1996] 4 All E.R. 129, C.A. **Applied,** *Crédit Suisse v. Waltham Forest London Borough Council* [1996] 3 W.L.R. 943, C.A.

Cripps (R.A.) & Son Ltd. v. Wickenden [1973] 1 W.L.R. 944; [1973] 2 All E.R. 606. **Considered,** *Sheppard & Cooper Ltd. v. T.S.B. Bank Plc.* [1996] 2 All E.R. 654

Croydon Commercial Gas Co. v. Dickenson (1876) 2 C.P.D. 46. **Considered,** *Bank of Baroda v. Patel* [1996] 1 Lloyd's Rep. 391

Customs and Excise Comrs. v. British Telecommunications Plc. [1995] S.T.C. 239. **Decision of Dyson J. affirmed** [1996] 1 W.L.R. 1309, C.A.

Customs and Excise Comrs. v. Fine Art Developments Plc. [1994] S.T.C. 668, C.A. **Decision of the Court of Appeal reversed** [1996] 1 W.L.R. 1054, H.L.(E.)

Cutler v. Wandsworth Stadium Ltd. [1949] A.C. 398; [1949] 1 All E.R. 544, H.L.(E.) **Applied,** *Mid Kent Holdings Plc. v. General Utilities Plc.* [1996] 3 All E.R. 132

Cutts v. Head [1984] Ch. 290; [1984] 2 W.L.R. 349; [1984] 1 All E.R. 597, C.A. **Considered,** *Padmanor Investments Ltd. v. Soundcraft Electronics Ltd.* [1995] 4 All E.R. 683

D. v. D. (Child Abduction: Non-Convention Country) [1994] 1 F.L.R. 137, C.A. **Applied,** *In re A. (Minors) (Abduction: Habitual Residence)* [1996] 1 W.L.R. 25

D. & F. Estates Ltd. v. Church Comrs. for England [1989] A.C. 177; [1988] 3 W.L.R. 368; [1988] 2 All E.R. 992, H.L.(E.). **Not followed,** *Invercargill City Council v. Hamlin* [1996] A.C. 624; [1996] 2 W.L.R. 367, P.C.

Dale, decd., *In re* [1994] Ch. 31; [1993] 3 W.L.R. 652; [1993] 4 All E.R. 129. **Considered,** *In re Goodchild, decd.* [1996] 1 W.L.R. 694

Dalton v. Angus (1881) 6 App.Cas. 740, H.L.(E.). **Applied,** *Hunter v. Canary Wharf Ltd.* [1996] 2 W.L.R. 348, C.A.

Davies v. Davies Jenkins & Co. Ltd. [1968] A.C. 1097; [1967] 2 W.L.R. 1139; [1967] 1 All E.R. 913, H.L.(E.). **Distinguished,** *Imperial Chemical Industries Plc. v. Colmer* [1996] 1 W.L.R. 469, H.L.(E.)

Davies v. Presbyterian Church of Wales [1986] 1 W.L.R. 323 328–329; [1986] I.C.R. 280; [1986] 1 All E.R. 705, H.L.(E.). **Dicta of Lord Templeman considered,** *Diocese of Southwark v. Coker* [1996] I.C.R. 896, E.A.T.

Davies v. Shell Co. of China Ltd. (1951) 32 T.C. 133. **Considered,** *Nuclear Electric Plc. v. Bradley* (1995) T.C. Leaflet No. 3452, C.A.

Davies (Joseph Owen) v. Eli Lilly & Co. [1987] 1 W.L.R. 1136; [1987] 3 All E.R. 94, C.A. **Distinguished,** *Ward v. Guinness Mahon Plc.* [1996] 1 W.L.R. 894, C.A.

Davis v. Radcliffe [1990] 1 W.L.R. 821; [1990] 2 All E.R. 536, P.C. **Considered,** *Three Rivers Disctrict Council v. Bank of England (No. 3)* [1996] 3 All E.R. 558

Davis Contractors Ltd. v. Fareham Urban District Council [1956] A.C. 696; [1956] 3 W.L.R. 37; [1956] 2 All E.R. 145, H.L.(E.). **Applied,** *E. Johnson & Co. (Barbados) Ltd. v. N.S.R. Ltd.* [1996] 3 W.L.R. 583, P.C.

de Freitas v. Benny [1976] A.C. 239; [1975] 3 W.L.R. 388, P.C. **Applied,** *Reckley v. Minister of Public Safety and Immigration (No. 2)* [1996] A.C. 527; [1996] 2 W.L.R. 281, P.C.

de la Bere's Marriage Settlement Trusts, *In re*; de la Bere v. Public Trustee [1941] Ch. 443; [1941] 2 All E.R. 533. **Considered,** *Begg-MacBrearty v. Stilwell* [1996] 1 W.L.R. 951

Debtor (No. 12 of 1970), *In re* A [1971] 1 W.L.R. 1212; [1971] 2 All E.R. 1494, C.A. **Considered,** *Fitch v. Official Receiver* [1996] 1 W.L.R. 242, C.A.

Debtor (No. 340 of 1992), *In re* A; *Ex parte* The Debtor v. First National Commercial Bank Plc. [1994] 3 All E.R. 269. **Decision of Aldous J. affirmed** [1996] 2 All E.R. 211, C.A.

Deeny v. Gooda Walker Ltd. (No. 2) [1996] S.T.C. 39, C.A. **Decision of the Court of Appeal affirmed** [1996] 1 W.L.R. 426, H.L.(E.)

Defrenne v. Sabena (Case 43/75) [1976] I.C.R. 547; [1981] 1 All E.R. 122n; [1976] E.C.R. 455, E.C.J. **Considered,** *Scullard v. Knowles* [1996] I.C.R. 399, E.A.T.

Dekker v. Stichting Vormingscentrum voor Jong Volwassenen (VJV-Centrum) Plus (Case 177/88) [1992] I.C.R. 325; [1990] E.C.R. I-3941, E.C.J. **Distinguished,** *British Telecommunications Plc. v. Roberts* [1996] I.C.R. 625, E.A.T.

Delamere's Settlement Trust, *In re* [1984] 1 W.L.R. 813; [1984] 1 All E.R. 584, C.A. **Considered,** *Begg-MacBrearty v. Stilwell* [1996] 1 W.L.R. 951

Denetower Ltd. v. Toop [1991] 1 W.L.R. 945; [1991] 3 All E.R. 661, C.A. **Applied,** *Kay Green v. Twinsectra Ltd.* [1996] 1 W.L.R. 1587, C.A.

Dennis (A Bankrupt), *In re* [1996] Ch. 80; [1995] 3 W.L.R. 367; [1995] 3 All E.R. 171, C.A. **Considered,** *Trustee of the Property of F. C. Jones & Sons v. Jones* [1996] 3 W.L.R. 703, C.A.

Department of the Environment v. James [1972] 1 W.L.R. 1279; [1972] 3 All E.R. 629. **Distinguished,** *Bibby v. Partap* [1996] 1 W.L.R. 931, P.C.

Department of Trade and Industry v. St. Christopher Motorists' Association Ltd. [1974] 1 W.L.R. 99; [1974] 1 All E.R. 395. **Applied,** *In re Sentinel Securities Plc.* [1996] 1 W.L.R. 316

Department of Transport v. Chris Smaller (Transport) Ltd. [1989] A.C. 1197; [1989] 2 W.L.R. 578; [1989] 1 All E.R. 897, H.L.(E.). **Considered,** *Shtun v. Zalejska* [1996] 1 W.L.R. 1270, C.A.

Derwent Coachworks v. Kirby [1995] I.C.R. 48, E.A.T. **Followed,** *Ministry of Defence v. Bristow* [1996] I.C.R. 544, E.A.T. **Considered,** *Digital Equipment Co. Ltd. v. Clements* [1996] I.C.R. 829, E.A.T. **Distinguished,** *Ministry of Defence v. Hunt* [1996] I.C.R. 554, E.A.T.; *Cox v. Camden London Borough Council* [1996] I.C.R. 815, E.A.T.

Dickinson's Settlements, *In re*; Bickersteth v. Dickinson [1939] Ch. 27. **Considered,** *Begg-MacBrearty v. Stilwell* [1996] 1 W.L.R. 951

Dimsdale Developments (South East) Ltd. v. De Haan (1983) 47 P. & C.R. 1, 11. **Dictum of Gerald Godfrey Q.C. applied,** *Country and Metropolitan Homes Surrey Ltd. v. Topclaim Ltd.* [1996] Ch. 307; [1996] 3 W.L.R. 525

Dingle v. Turner [1972] A.C. 601; [1972] 2 W.L.R. 523; [1972] 1 All E.R. 878, H.L.(E.). **Applied,** *In re Segelman, decd.* [1996] Ch. 171; [1996] 2 W.L.R. 173

Diplock, *In re;* Diplock v. Wintle [1948] Ch. 465; [1948] 2 All E.R. 318, C.A. **Considered,** *Boscawen v. Bajwa* [1996] 1 W.L.R. 328, C.A.

Direct Cosmetics Ltd. and Laughtons Photographs Ltd. v. Customs and Excise Comrs. (Cases 138/86 and 139/86) [1988] E.C.R. 3937, E.C.J. **Considered,** *Customs and Excise Comrs. v. Fine Art Developments Plc.* [1996] 1 W.L.R. 1054, H.L.(E.)

Director of Buildings and Lands v. Shun Fung Ironworks Ltd. [1995] 2 A.C. 111; [1995] 2 W.L.R. 404; [1995] 1 All E.R. 846, P.C. **Applied,** *Windward Properties Ltd. v. Government of Saint Vincent and the Grenadines* [1996] 1 W.L.R. 279, P.C.

Director of Public Prosecutions v. P. [1991] 2 A.C. 447; [1991] 3 W.L.R. 161; [1993] 3 All E.R. 337, H.L.(E.). **Applied,** *R. v. West* [1996] 2 Cr.App.R. 374, C.A. **Considered,** *R. v. Christou* [1996] 2 W.L.R. 620, H.L.(E.)

Director of Public Prosecutions v. Richards [1988] Q.B. 701; [1988] 3 W.L.R. 153; [1988] 3 All E.R. 406, D.C. **Considered,** *R. v. Central Criminal Court, Ex parte Guney* [1996] A.C. 616; [1996] 2 W.L.R. 675, H.L.(E.)

Director of Public Prosecutions v. Stonehouse [1978] A.C. 55; [1977] 3 W.L.R. 143; [1977] 2 All E.R. 909, H.L.(E.). **Applied,** *R. v. Latif* [1996] 1 W.L.R. 104, H.L.(E.). **Considered,** *R. v. Smith (Wallace Duncan)* [1996] 2 Cr.App.R. 1, C.A.

Director of Public Prosecutions v. Thomas (Elwyn Kenneth) (Note) [1996] R.T.R. 293, D.C. **Followed,** *Director of Public Prosecutions v. Coyle* [1996] R.T.R. 287, D.C.

Director of Public Prosecutions v. Warren [1993] A.C. 319; [1992] 3 W.L.R. 884; [1992] 4 All E.R. 865; [1993] R.T.R. 58, H.L.(E.). **Applied,** *Turner v. Director of Public Prosecutions (Note)* [1996] R.T.R. 274, D.C.; *Director of Public Prosecutions v. Hill-Brookes* [1996] R.T.R. 279, D.C. **Considered,** *Director of Public Prosecutions v. Charles (Note)* [1996] R.T.R. 247, D.C.

Director of Public Prosecutions for Northern Ireland v. Lynch [1975] A.C. 653, 693; [1975] 2 W.L.R. 641; [1975] 1 All E.R. 913; 61 Cr.App.R. 6, H.L.(N.I.). **Dictum of Lord Simon of Glaisdale considered,** *R. v. Shortland* [1996] 1 Cr.App.R. 116, C.A.

Doe d. Landsell v. Gower (1851) 17 Q.B. 589. **Applied,** *Long v. Tower Hamlets London Borough Council* [1996] 3 W.L.R. 317

Domican v. The Queen (1992) 66 A.L.J.R. 285. **Not followed,** *Shand v. The Queen* [1996] 1 W.L.R. 67, P.C.

Dong Wha Enterprise Co. Ltd. v. Crownson Shipping Ltd. [1995] 1 Lloyd's Rep. 113. **Considered,** *Arab Business Consortium International Finance and Investment Co. v. Banque Franco-Tunisienne* [1996] 1 Lloyd's Rep. 485

Doorbar v. Alltime Securities Ltd. [1995] 1 B.C.L.C. 316. **Applied,** *In re Cancol Ltd.* [1996] 1 All E.R. 37

Dorset Yacht Co. Ltd. v. Home Office [1970] A.C. 1004; [1970] 2 W.L.R. 1140; [1970] 2 All E.R. 294, H.L.(E.). **Considered,** *Swinney v. Chief Constable of Northumbria Police Force* [1996] 3 W.L.R. 968, C.A. **Distinguished,** *John Munroe (Acrylics) Ltd. v. London Fire and Civil Defence Authority* [1996] 3 W.L.R. 988

Doughty v. General Dental Council [1988] A.C 164; [1987] 3 W.L.R. 769; [1987] 3 All E.R. 843, P.C. **Applied,** *McCandless v. General Medical Council* [1996] 1 W.L.R. 167, P.C.

Douglas Griggs Engineering Ltd., *In re* [1963] Ch. 19; [1962] 2 W.L.R. 893; [1962] 1 All E.R. 498. **Doubted,** *In re A Debtor (No. 340 of 1992); Ex parte The Debtor v. First National Commercial Bank Plc.* [1996] 2 All E.R. 211, C.A.

Downs v. Chappell [1996] 3 All E.R. 344, 361, 362, C.A. **Dicta of Hobhouse L.J. disapproved,** *Smith New Court Securities Ltd. v. Scrimgeour Vickers (Asset Management) Ltd.* [1996] 3 W.L.R. 1051, H.L.(E.)

Doyle v. Olby (Ironmongers) Ltd. [1969] 2 Q.B. 158; [1969] 2 W.L.R. 673, [1969] 2 All E.R. 119, C.A. **Applied,** *Smith New Court Securities Ltd. v. Scrimgeour Vickers (Asset Management) Ltd.* [1996] 3 W.L.R. 1051, H.L.(E.)

Drake v. Chief Adjudication Officer (Case 150/85) [1987] Q.B. 166, 176, para 21; [1986] 3 W.L.R. 1005; [1986] 3 All E.R. 65; [1986] E.C.R. 1995, E.C.J. **Applied,** *R. v. Secretary of State for Health, Ex parte Richardson* (Case C-137/94) [1996] I.C.R. 471, E.C.J.

Dresser U.K. Ltd. v. Falcongate Freight Management Ltd. [1992] Q.B. 502, 517; [1992] 2 W.L.R. 319; [1992] 2 All E.R. 450, C.A. **Dicta of Bingham L.J. applied,** *Tarry v. Humberclyde Finance Ltd.* [1996] 1 W.L.R. 611, C.A.

Drummond & Co. v. Lamb [1992] 1 W.L.R. 163; [1992] 1 All E.R. 449, H.L.(Sc.). **Followed,** *Joyce v. Kammac (1988) Ltd.* [1996] 1 W.L.R. 805

Dudley and District Benefit Building Society v. Emerson [1949] Ch. 707; [1949] 2 All E.R. 252, C.A. **Distinguished,** *Woolwich Building Society v. Dickman* [1996] 3 All E.R. 204, C.A.

Dunlop Pneumatic Tyre Co. Ltd. v. New Garage and Motor Co. Ltd. [1915] A.C. 79, H.L.(E.). **Applied,** *Lordsvale Finance Plc. v. Bank of Zambia* [1996] Q.B. 752; [1996] 3 W.L.R. 688

Dutton v. Bognor Regis Urban District Council [1972] 1 Q.B. 373; [1972] 2 W.L.R. 299; [1972] 1 All E.R. 462, C.A. **Considered,** *Invercargill City Council v. Hamlin* [1996] 2 W.L.R. 367, P.C.

East Suffolk Rivers Catchment Board v. Kent [1941] A.C. 74; [1940] 4 All E.R. 527, H.L.(E.). **Applied,** *Stovin v. Wise* [1996] A.C. 923; [1996] 3 W.L.R. 388, H.L.(E.)

Eastern Counties Railway Co. v. Hawkes (1855) 5 H.L.Cas. 331, H.L.(E.). **Distinguished,** *E. Johnson & Co. (Barbados) Ltd. v. N.S.R. Ltd.* [1996] 3 W.L.R. 583, P.C.

Ebbw Vale Urban District Council v. South Wales Traffic Area Licensing Authority [1951] 2 K.B. 366; [1951] 1 All E.R. 806, C.A. **Considered,** *Crédit Suisse v. Allerdale Borough Council* [1996] 3 W.L.R. 894, C.A.

Echternach v. Netherlands Minister for Education and Science (Cases 389 and 390/87) [1989] E.C.R. 723, 759–760, para. 14, E.C.J. **Considered,** *Vougioukas v. Idrima Koinonikon Asphalisseon* (Case C-443/93) [1996] I.C.R. 913, E.C.J.

Edwards v. Halliwell [1950] 2 All E.R. 1064, C.A. **Applied,** *Wise v. Union of Shop, Distributive and Allied Workers* [1996] I.C.R. 691

Elder, Dempster & Co. Ltd. v. Paterson, Zochonis & Co. Ltd. [1924] A.C. 522, H.L.(E.). **Distinguished,** *The Mahkutai* [1996] A.C. 650; [1996] 3 W.L.R. 1, P.C.

Elefanten Schuh G.m.b.H. v. Pierre Jacqmain (Case 150/80) [1981] E.C.R. 1671, E.C.J. **Considered,** *Toepfer International G.m.b.H. v. Molino Boschi Srl.* [1996] 1 Lloyd's Rep. 510

Elgindata Ltd. (No. 2), *In re* [1992] 1 W.L.R. 1207; [1993] 1 All E.R. 232, C.A. **Considered,** *Semco Salvage & Marine Pte. Ltd. v. Lancer Navigation Co. Ltd.* [1996] 1 Lloyd's Rep. 449, C.A.

Elguzouli-Daf v. Comr. of Police of the Metropolis [1995] Q.B. 335; [1995] 2 W.L.R. 173; [1995] 1 All E.R. 833, C.A. **Considered,** *Swinney v. Chief Constable of Northumbria Police Force* [1996] 3 W.L.R. 968, C.A.

Elliott v. Grey [1960] 1 Q.B. 367; [1959] 3 W.L.R. 956; [1959] 3 All E.R. 733, D.C. **Considered,** *Pumbien v. Vines* [1996] R.T.R. 37, D.C.

Ellis v. Torrington [1920] 1 K.B. 399, C.A. **Followed,** *Camdex International Ltd. v. Bank of Zambia* [1996] 3 W.L.R. 759, C.A.

Elm Avenue, New Milton, *In re* 6, 8, 10 and 12, *Ex parte* New Forest District Council [1984] 1 W.L.R. 1398; [1984] 3 All E.R. 632; 83 L.G.R. 87. **Followed,** *Brown v. Heathlands Mental Health National Health Service Trust* [1996] 1 All E.R. 133

Emmott v. Minister for Social Welfare (Case C-208/90) [1993] I.C.R. 8; [1991] E.C.R. I-4269, E.C.J. **Considered,** *Rastall v. Midlands Electricity Plc.* [1996] I.C.R. 644, E.A.T.

Enderby v. Frenchay Health Authority (C-127/92) [1994] I.C.R. 112; [1994] 1 All E.R. 495; [1993] E.C.R. I-5535, E.C.J. **Applied,** *Specialarbejderforbundet i Danmark v. Dansk Industri* (Case C-400/93) [1996] I.C.R. 51, E.C.J.

Erf Enterprise Caledonia Ltd. v. Inland Revenue Comrs. [1994] S.T.C. 785; T.C. Leaflet No. 3407. **Distinguished,** *Boote v. Banco do Brasil S.A.* (1996) T.C. Leaflet No. 3467

Etablissements Consten S.A.R.L. v. Commission of the European Community [1966] E.C.R. 299. **Considered,** *Marchant & Eliot Underwriting Ltd. v. Higgins* [1996] 1 Lloyd's Rep. 313

Eurocross Sales Ltd. v. Cornhill Insurance Plc. [1995] 1 W.L.R. 1517; [1995] 4 All E.R. 950, C.A. **Considered,** *Norglen Ltd. v. Reeds Rains Prudential Ltd.* [1996] 1 W.L.R. 864, C.A.

European Society Arbitration Acts, *In re: Ex parte* Liquidators of British Nation Life Assurance Association (1878) 8 Ch.D. 679, C.A. **Applied,** *In re A.M.F. International Ltd.* [1996] 1 W.L.R. 77

Ewing, *Ex parte* [1991] 1 W.L.R. 388; [1991] 3 All E.R. 192, C.A. **Considered,** *Jones v. Vans Colina* [1996] 1 W.L.R. 1580, C.A.

Ewing, *Ex parte* (No. 2) [1994] 1 W.L.R. 1553, C.A. **Considered,** *Jones v. Vans Colina* [1996] 1 W.L.R. 1580, C.A.

F. (A Minor) (Blood Tests: Parental Rights), *In re* [1993] Fam. 314; [1993] 3 W.L.R. 369; [1993] 3 All E.R. 596, C.A. **Distinguished,** *In re H. (A Minor) (Blood Tests: Parental Rights)* [1996] 3 W.L.R. 506, C.A.

Fakes v. Taylor Woodrow Construction Ltd. [1973] Q.B. 436; [1973] 2 W.L.R. 161; [1973] 1 All E.R. 670, C.A. **Considered,** *Connelly v. R.T.Z. Corpn. Plc.* [1996] Q.B. 361; [1996] 2 W.L.R. 251, C.A.

Fakih Brothers v. A. P. Moller (Copenhagen) Ltd. [1994] 1 Lloyd's Rep. 103. **Considered,** *Ernst & Young v. Butte Mining Plc.* [1996] 1 W.L.R. 1605

Federal Commerce & Navigation Co. Ltd. v. Molena Alpha Inc. [1979] A.C. 757; [1978] 3 W.L.R. 991; [1979] 1 All E.R. 307, H.L.(E.). **Distinguished,** *Vaswani v. Italian Motors (Sales and Services) Ltd.* [1996] 1 W.L.R. 270, P.C.

Felix v. General Dental Council [1960] A.C. 704; [1960] 2 W.L.R. 934; [1960] 2 All E.R. 391, P.C. **Distinguished,** *McCandless v. General Medical Council* [1996] 1 W.L.R. 167, P.C.

Fercometal S.A.R.L. v. Mediterranean Shipping Co. S.A. [1989] A.C. 788; [1988] 3 W.L.R. 200; [1988] 2 All E.R. 742, H.L.(E.). **Considered,** *Vitol S.A. v. Norelf Ltd.* [1996] A.C. 800; [1996] 3 W.L.R. 105, H.L.(E.)

Fibrosa Spolka Akcyjna v. Fairbairn Lawson Combe Barbour Ltd. [1943] A.C. 32, 48; [1942] 2 All E.R. 122, H.L.(E.). **Dictum of Viscount Simon L.C. applied,** *Goss v. Chilcott* [1996] A.C. 788; [1996] 3 W.L.R. 180, P.C.

Finanzamt Köln-Altstadt v. Schumacker (Case C-279/93) [1996] Q.B. 28; [1995] 3 W.L.R. 498; [1995] All E.R. (E.C.) 319; [1995] E.C.R. I-225, E.C.J. **Applied,** *Wielockx v. Inspecteur der Directe Belastingen* (Case C-80/94) [1996] 1 W.L.R. 84, E.C.J.

First Middlesbrough Trading and Mortgage Co. Ltd. v. Cunningham (1974) 28 P. & C.R. 69, 75, C.A. **Dictum of Scarman L.J. applied,** *Cheltenham and Gloucester Building Society v. Norgan* [1996] 1 W.L.R. 343, C.A.

Fitzgerald v. Williams [1996] 2 W.L.R. 447; [1996] 1 All E.R. 171, C.A. **Considered,** *Chequepoint S.A.R.L. v. McClelland* [1996] 3 W.L.R. 341, C.A.

Fitzroy v. Cave [1905] 2 K.B. 364, C.A. **Followed,** *Camdex International Ltd. v. Bank of Zambia* [1996] 3 W.L.R. 759, C.A.

Fletchmore v. Sledmore (1973) 71 L.G.R. 179. **Explained,** *Roberts v. Leonard* (1995) 94 L.G.R. 284, D.C.

Foreningen af Arbejdsledere i Danmark v. Daddy's Dance Hall A/S (Case 324/86) [1988] E.C.R. 739, E.C.J. **Applied,** *Wilson v. St. Helens Borough Council* [1996] I.C.R. 711, E.A.T.

Foss v. Harbottle (1843) 2 Hare 461. **Distinguished,** *Wise v. Union of Shop, Distributive and Allied Workers* [1996] I.C.R. 691

Foster v. British Gas Plc. (Case C-188/899) [1991] 1 Q.B. 405; [1991] 2 W.L.R. 258; [1991] I.C.R. 84; [1990] 3 All E.R. 897, E.C.J. **Applied,** *Rastall v. Midlands Electricity Plc.* [1996] I.C.R. 644, E.A.T.

Foster v. British Gas Plc. [1991] 2 A.C. 306; [1991] 2 W.L.R. 1075; [1991] I.C.R. 463; [1991] 2 All E.R. 705, H.L.(E.). **Considered,** *Rastall v. Midlands Electricity Plc.* [1996] I.C.R. 644, E.A.T.

Foster v. Reeves [1892] 2 Q.B. 255, C.A. **Considered,** *Long v. Tower Hamlets London Borough Council* [1996] 3 W.L.R. 317

Fox, *In re* [1948] Ch. 407. **Followed,** *Salford Van Hire Ltd. v. Bocholt Ltd.* [1996] R.T.R. 103, C.A.

Francovich v. Italian Republic (Joined Cases C-6 and 9/90) [1995] I.C.R. 722; [1991] E.C.R. I-5357, E.C.J. **Applied,** *Brasserie du Pêcheur S.A. v. Federal Republic of Germany* (Joined Cases C-46/93 and C-48/93) [1996] Q.B. 404; [1996] 2 W.L.R. 506, E.C.J.; *R. v. Ministry of Agriculture, Fisheries and Food, Ex parte Hedley Lomas (Ireland) Ltd.* (Case C-5/94) [1996] 3 W.L.R. 787, E.C.J. **Considered,** *Secretary of State for Employment v. Mann* [1996] I.C.R. 197, E.A.T.

Frazer v. Walker [1967] 1 A.C. 569; [1967] 2 W.L.R. 411; [1967] 1 All E.R. 649, P.C. **Distinguished,** *Racoon Ltd. v. Turnbull* [1996] 3 W.L.R. 353, P.C.

Freemantle v. The Queen [1994] 1 W.L.R. 1437; [1994] 3 All E.R. 225, P.C. **Applied,** *Shand v. The Queen* [1996] 1 W.L.R. 67, P.C.

Fuji Finance Inc. v. Aetna Life Insurance Co. Ltd. [1995] Ch. 122; [1994] 3 W.L.R. 1280; [1994] 4 All E.R. 1025. **Decision of Sir Donald Nicholls V.-C. reversed** [1996] 3 W.L.R. 871, C.A.

Fulwood v. Chesterfield Borough Council (1993) 92 L.G.R. 160, C.A. **Distinguished,** *Bate v. Chief Adjudication Officer* [1996] 1 W.L.R. 814, H.L.(E.)

Furniss v. Dawson [1984] A.C. 474; [1984] 2 W.L.R. 226; [1984] 1 All E.R. 530, H.L.(E.). **Considered,** *Belvedere Court Management Ltd. v. Frogmore Developments Ltd.* [1996] 3 W.L.R. 1008, C.A.

G. (A Minor) (Blood Tests), *In re* [1994] 1 F.L.R. 495. **Approved,** *In re H. (A Minor) (Blood Tests: Parental Rights)* [1996] 3 W.L.R. 506, C.A.

G. (A Minor) (Child Abuse: Standard of Proof), *In re* [1987] 1 W.L.R. 1461. **Overruled,** *In re H. (Minors) (Sexual Abuse: Standard of Proof)* [1996] A.C. 563; [1996] 2 W.L.R. 8, H.L.(E.)

Gamlen Chemical Co. (U.K.) Ltd. v. Rochem Ltd. [1980] 1 W.L.R. 614; [1980] 1 All E.R. 1049, C.A. **Applied,** *Ismail v. Richards Butler* [1996] Q.B. 711; [1996] 3 W.L.R. 129

Gardner v. Southwark London Borough Council (Note) [1996] 1 W.L.R. 571, C.A. **Applied,** *Reville v. Wright* [1996] 1 W.L.R. 592, C.A.

Geddis v. Proprietors of Benn Reservoir (1878) 3 App.Cas. 430, H.L.(I.). **Applied,** *Capital & Counties Plc. v. Hampshire County Council* [1996] 1 W.L.R. 1553

General Credit and Discount Co. v. Glegg (1888) 22 Ch.D. 549. **Considered,** *Lordsvale Finance Plc. v. Bank of Zambia* [1996] 3 W.L.R. 688

Gibbon v. Mitchell [1990] 1 W.L.R. 1304; [1990] 3 All E.R. 338. **Applied,** *Dent v. Dent* [1996] 1 W.L.R. 683

Giles v. Thompson [1994] 1 A.C. 142; [1993] 2 W.L.R. 908; [1993] 3 All E.R. 321, H.L.(E.). **Considered,** *Camdex International Ltd. v. Bank of Zambia* [1996] 3 W.L.R. 759, C.A.

Giles (C.H.) & Co. Ltd. v. Morris [1972] 1 W.L.R. 307, 318; [1972] 1 All E.R. 960. **Dicta of Megarry J. applied,** *Co-operative Insurance Society Ltd. v. Argyll Stores (Holdings) Ltd.* [1996] Ch. 286; [1996] 3 W.L.R. 27, C.A.

Gillespie v. Northern Health and Social Services Board (Case C-342/93) [1996] I.C.R. 498, E.C.J. **Applied,** *Hammersmith and Fulham London Borough Council v. Jesuthasan* [1996] I.C.R. 991, E.A.T.

Gillingham Borough Council v. Medway (Chatham) Dock Co. Ltd. [1993] Q.B. 343; [1992] 3 W.L.R. 449; [1992] 3 All E.R. 923. **Considered,** *Hunter v. Canary Wharf Ltd.* [1996] 2 W.L.R. 348, C.A.

Glen v. Gregg (1882) 21 Ch.D. 513, Kay J. and C.A. **Considered,** *In re Saunders (A Bankrupt)* [1996] 3 W.L.R. 473

Gosling v. Howard (Note) [1975] R.T.R. 429, D.C. **Applied,** *Pumbien v. Vines* [1996] R.T.R. 37, D.C.

Goss v. Chilcott [1995] 1 N.Z.L.R. 263. **Decision of the Court of Appeal of New Zealand affirmed on different grounds** [1996] A.C. 788; [1996] 3 W.L.R. 180, P.C.

Gourdain v. Nadler (Case 133/78) [1979] E.C.R. 733, E.C.J. **Distinguished,** *In re Hayward, decd.* [1996] 3 W.L.R. 674

Gouriet v. Union of Post Office Workers [1978] A.C. 435; [1977] 3 W.L.R. 300; [1977] 3 All E.R. 70, H.L.(E.). **Applied,** *Mid Kent Holdings Plc. v. General Utilities Plc.* [1996] 3 All E.R. 132

Granit S.A. v. Benship International Inc. [1994] 1 Lloyd's Rep. 526. **Applied,** *Ignazio Messina & Co. v. Polskie Linie Oceaniczne* [1995] 2 Lloyd's Rep. 566

Gray v. Barr [1971] 2 Q.B. 554; [1971] 2 W.L.R. 1334; [1971] 2 All E.R. 949, C.A. **Distinguished,** *Lancashire County Council v. Municipal Mutual Insurance Ltd.* [1996] 3 W.L.R. 493, C.A.

Gray v. Raper (1866) L.R. 1 C.P. 694. **Considered,** *In re Saunders (A Bankrupt)* [1996] 3 W.L.R. 473

Gray v. Seymours Garden Centre (Horticulture) (1995) T.C. Leaflet No. 3443. **Considered,** *Attwood v. Anduff Carwash Ltd.* (1995) T.C. Leaflet No. 3460

Great Northern Railway Co. v. L.E.P. Transport Ltd. [1922] 2 K.B. 742, C.A. **Applied,** *Effort Shipping Co. Ltd. v. Linden Management S.A.* [1996] 1 Lloyd's Rep. 577, C.A.

Green (H.J.) v. J. Gliksten and Son Ltd. [1928] 1 K.B. 475. **Considered,** *Deeny v. Gooda Walker Ltd. (No. 2)* [1996] 1 W.L.R. 426, H.L.(E.)

Greenwich London Borough Council v. Regan (1996) 28 H.L.R 469, C.A. **Considered,** *Burrows v. Brent London Borough Council* [1996] 1 W.L.R. 1448 H.L.(E.)

Griffiths v. Fleming [1909] 1 K.B. 805, C.A. **Applied,** *In re S., decd.* [1996] 1 W.L.R. 235

Griffiths v. Peter Conway Ltd. [1939] 1 All E.R. 685, C.A. **Applied,** *Slater v. Finning Ltd.* [1996] 3 W.L.R. 190, H.L.(Sc.)

Group Josi Re (formerly Groupe Josi Réassurance S.A.) v. Walbrook Insurance Co. Ltd. [1995] 1 W.L.R. 1017. **Decision of Phillips J.** sub nom. *Deutsche Rückversicherung A.G. v. Walbrook Insurance Co. Ltd.* **affirmed** [1996] 1 W.L.R. 1152, C.A.

Groves v. Commonwealth of Australia (1982) 150 C.L.R. 113. **Considered,** *Mulcahy v. Ministry of Defence* [1996] Q.B. 732; [1996] 2 W.L.R. 474, C.A.

Grovewood Holdings Plc. v. James Capel & Co. Ltd. [1995] Ch. 80; [1995] 2 W.L.R. 70; [1994] 4 All E.R. 417. **Considered,** *Norglen Ltd. v. Reeds Rains Prudential Ltd.* [1996] 1 W.L.R. 864, C.A.

Gubisch Maschinenfabrik K.G. v. Palumbo (Case 144/86) [1987] E.C.R. 4861, E.C.J. **Applied,** *Kinnear v. Falconfilms N.V.* [1996] 1 W.L.R. 920

Guerra v. Baptiste [1996] A.C. 397; [1995] 3 W.L.R. 891; [1995] 4 All E.R. 583, P.C. **Applied,** *Henfield v. Attorney-General of the Commonwealth of The Bahamas* [1996] 3 W.L.R. 1079, P.C. **Distinguished,** *Reckley v. Minister of Public Safety and Immigration (No. 2)* [1996] A.C. 527; [1996] 2 W.L.R. 281, P.C.

Gunsbourg, *In re* [1920] 2 K.B. 426, C.A. **Considered,** *Trustee of the Property of F. C. Jones & Sons v. Jones* [1996] 3 W.L.R. 703, C.A.

H. (Minors) (Sexual Abuse: Standard of Proof), *In re* [1995] 1 F.L.R. 643, C.A. **Decision of the Court of Appeal affirmed** [1996] A.C. 563; [1996] 2 W.L.R. 8, H.L.(E.)

H. v. H. (Minors) (Child Abuse: Evidence) [1990] Fam. 86; [1989] 3 W.L.R. 933; [1989] 3 All E.R. 740, C.A. **Considered,** *In re H. (Minors) (Sexual Abuse: Standard of Proof)* [1996] A.C. 563; [1996] 2 W.L.R. 8, H.L.(E.)

Hadley v. Baxendale (1854) 9 Exch. 341. **Applied,** *Kpohraror v. Woolwich Building Society* [1996] 1 All E.R. 119, C.A.

Hales v. Reliance Fire and Accident Insurance Co. [1960] 2 Lloyd's Rep. 391. **Considered,** *Hussain v. Brown* [1996] 1 Lloyd's Rep. 627, C.A.

Halesowen Presswork & Assemblies Ltd. v. National Westminster Bank Ltd. [1971] 1 Q.B. 1; [1970] 2 W.L.R. 754; [1970] 1 All E.R. 33; [1971] 1 Q.B. 1; [1970] 3 W.L.R. 625; [1970] 3 All E.R. 473, C.A.; [1972] A.C. 785; [1972] 2 W.L.R. 455; [1972] 1 All E.R. 641, H.L.(E.). **Considered,** *In re Bank of Credit and Commerce International S.A. (No. 8)* [1996] Ch. 245; [1996] 2 W.L.R. 631, C.A.

Halesowen Presswork & Assemblies Ltd. v. National Westminster Bank Ltd. [1971] 1 Q.B. 1; [1970] 3 W.L.R. 625; [1970] 3 All E.R. 473, C.A. **Applied,** *Coca-Cola Financial Corpn. v. Finsat International Ltd.* [1996] 3 W.L.R. 849, C.A.

Halesowen Presswork & Assemblies Ltd. v. National Westminster Bank Ltd. [1972] A.C. 785; [1972] 2 W.L.R. 455; [1972] 1 All E.R. 641, H.L.(E.). **Considered,** *Coca-Cola Financial Corpn. v. Finsat International Ltd.* [1996] 3 W.L.R. 849, C.A.

Halifax Mortgage Services Ltd. v. Stepsky [1996] Ch. 1; [1995] 3 W.L.R. 701; [1995] 4 All E.R. 656. **Decision of Mr. Edward Nugee Q.C. sitting as a deputy judge of the Chancery Division affirmed on different grounds** [1996] Ch. 207; [1996] 2 W.L.R. 230, C.A.

Hall v. Wickens Motors (Gloucester) Ltd. [1972] 1 W.L.R. 1418; [1972] 3 All E.R. 759; [1972] R.T.R. 519, D.C. **Distinguished,** *Roberts v. Leonard* (1995) 94 L.G.R. 284, D.C.

Hallett Silberman Ltd. v. Cheshire County Council [1993] R.T.R. 32, D.C. **Distinguished,** *West Yorkshire Trading Standards Service v. Lex Vehicle Leasing Ltd.* [1996] R.T.R. 70, D.C.

Halliday v. Shoesmith [1993] 1 W.L.R. 1, C.A. **Considered,** *Goodwill v. British Pregnancy Advisory Service* [1996] 1 W.L.R. 1397, C.A.

Hamilton v. Martell Securities Ltd. [1984] Ch. 266; [1984] 2 W.L.R. 699; [1984] 1 All E.R. 665. **Approved,** *Jervis v. Harris* [1996] Ch. 195; [1996] 2 W.L.R. 220, C.A.

Hamlyn v. Crown Accidental Insurance Co. Ltd. [1893] 1 Q.B. 750, C.A. **Considered,** *Dhak v. Insurance Co. of North America (U.K.) Ltd.* [1996] 1 W.L.R. 936, C.A.

Hampshire Land Co., *In re* [1896] 2 Ch. 743. **Applied,** *P.C.W. Syndicates v. P.C.W. Reinsurers* [1996] 1 W.L.R. 1136, C.A.

Handels -og Kontorfuntionaerernes Forbund i Danmark v. Dansk Arbejdsgiverforening (Case 179/88) [1992] I.C.R. 332; [1990] E.C.R. I-3979, E.C.J. **Considered,** *British Telecommunications Plc. v. Roberts* [1996] I.C.R. 625, E.A.T.

Handelswekerij G.J. Bier B.V. v. Mines de Potasse d'Alsace S.A. (Case 21/76) [1978] Q.B. 708; [1977] 3 W.L.R. 479; [1976] E.C.R. 1735, E.C.J. **Distinguished,** *Marinari v. Lloyds Bank Plc. (Zubaidi Trading Co., Intervener) (Case C-364/93)* [1996] Q.B. 217; [1996] 2 W.L.R. 159, E.C.J.

Hankey v. Clavering [1942] 2 K.B. 326; [1942] 2 All E.R. 311, C.A. **Applied,** *Garston v. Scottish Widows' Fund and Life Assurance Society* [1996] 1 W.L.R. 834

Hardwick Game Farm v. Suffolk Agricultural Poultry Producers Association [1969] 2 A.C. 31; [1968] 3 W.L.R. 110; [1968] 2 All E.R. 444, H.L.(E.). **Considered,** *Slater v. Finning Ltd.* [1996] 3 W.L.R. 190, H.L.(Sc.)

Hargrave v. Goldman (1963) 110 C.L.R. 40. **Considered,** *Stovin v. Wise* [1996] 3 W.L.R. 388, H.L.(E.)

Hart v. Porthgain Harbour Co. Ltd. [1903] 1 Ch. 690. **Considered,** *In re Cosslett (Contractors) Ltd.* [1996] 3 W.L.R. 299

Harvey v. Institute of the Motor Industry [1996] I.C.R. 981, E.A.T. **Distinguished,** *Hammersmith and Fulham London Borough Council v. Jesuthasan* [1996] I.C.R. 991, E.A.T.

Haseldine v. Hosken [1933] 1 K.B. 822, C.A. **Distinguished,** *Lancashire County Council v. Municipal Mutual Insurance Ltd.* [1996] 3 W.L.R. 493, C.A.

Hayes v. Bowman [1989] 1 W.L.R. 456; [1989] 2 All E.R. 293, C.A. **Considered,** *Gahan v. Szerelmey (U.K.) Ltd.* [1996] 1 W.L.R. 439, C.A.

Hayes v. Director of Public Prosecutions [1994] R.T.R. 163, D.C. **Distinguished,** *Director of Public Prosecutions v. Charles (Note)* [1996] R.T.R. 247, D.C.

Hazell v. Hammersmith and Fulham London Borough Council [1992] 2 A.C. 1; [1991] 2 W.L.R. 372; [1991] 1 All E.R. 545, H.L.(E.). **Applied,** *Crédit Suisse v. Allerdale Borough Council* [1996] 3 W.L.R. 894, C.A. **Considered,** *Westminster City Council v. Haywood* [1996] 3 W.L.R. 563

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Heslop v. Metcalfe (1837) 3 M. & C. 183. **Considered,** *Ismail v. Richards Butler* [1996] 3 W.L.R. 129

Hewer v. Cutler [1974] R.T.R. 155, D.C. **Distinguished,** *Pumbien v. Vines* [1996] R.T.R. 37, D.C.

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Hill v. Mercantile and General Reinsurance Co. Plc. [1995] L.R.L.R. 160, C.A. **Decision of the Court of Appeal reversed** [1996] 1 W.L.R. 1239, H.L.(E.)

Hill (Christopher) Ltd. v. Ashington Piggeries Ltd. [1972] A.C. 441; [1971] 2 W.L.R. 1051; [1971] 1 All E.R. 847, H.L.(E.). **Considered,** *Slater v. Finning Ltd.* [1996] 3 W.L.R. 190, H.L.(Sc.)

Hillingdon Estates Co. v. Stonefield Estates Ltd. [1952] Ch. 627; [1952] 1 All E.R. 853. **Applied,** *E. Johnson & Co. (Barbados) Ltd. v. N.S.R. Ltd.* [1996] 3 W.L.R. 583, P.C.

Hilton International Hotels (U.K.) Ltd. v. Faraji [1994] I.C.R. 259, E.A.T. **Not followed,** *Puglia v. C. James & Sons* [1996] I.C.R. 301, E.A.T.

Hindcastle Ltd. v. Barbara Attenborough Associates Ltd. [1995] Q.B. 95; [1994] 3 W.L.R. 1100; [1994] 4 All E.R. 129, C.A. **Decision of the Court of Appeal affirmed** [1996] 2 W.L.R. 262, H.L.(E.)

Hirst v. Chief Constable of West Yorkshire (1986) 85 Cr.App.R. 143, D.C. **Considered,** *Carey v. Chief Constable of Avon and Somerset* [1995] R.T.R. 405, C.A.

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Home and Overseas Insurance Co. Ltd. v. Mentor Insurance Co. (U.K.) Ltd. [1990] 1 W.L.R. 153; [1989] 3 All E.R. 74, C.A. **Considered,** *Coca-Cola Financial Corpn. v. Finsat International Ltd.* [1996] 3 W.L.R. 849, C.A.

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Hoskins v. Wiggins Teape (U.K.) Ltd. [1994] P.I.Q.R. P377, C.A. **Applied,** *Reville v. Wright* [1996] 1 W.L.R. 592, C.A.

House Property and Investment Co. Ltd., *In re* [1954] Ch. 576; [1953] 3 W.L.R. 1037; [1953] 2 All E.R. 1525. **Distinguished,** *In re Park Air Services Plc.* [1996] 1 W.L.R. 649

Hughes v. National Union of Mineworkers [1991] I.C.R. 669; [1991] 4 All E.R. 278. **Considered,** *Mulcahy v. Ministry of Defence* [1996] Q.B. 732; [1996] 2 W.L.R. 474, C.A.

Hummeltenberg, *In re*; Beatty v. London Spiritualistic Alliance Ltd. [1923] 1 Ch. 237. **Considered,** *Funnell v. Stewart* [1996] 1 W.L.R. 288

Hunter v. Chief Constable of the West Midlands Police [1982] A.C. 529; [1981] 3 W.L.R. 906; [1981] 3 All E.R. 727, H.L.(E.). **Applied,** *Smith v. Linskills* [1996] 1 W.L.R. 763, C.A.

Huntley's Goods, *In re* (1869) L.R. 1 P. & D. 596. **Considered,** *Aratra Potato Co. Ltd. v. Taylor Joynson Garrett* [1995] 4 All E.R. 695

Hussain v. Hussain [1986] Fam. 134; [1986] 2 W.L.R. 801; [1986] 1 All E.R. 961, C.A. **Applied,** *Watkins v. A.J. Wright (Electrical) Ltd.* [1996] 3 All E.R. 31. **Considered,** *In re B. (A Minor) (Supervision Order: Parental Undertaking)* [1996] 1 W.L.R. 716, C.A.

Hutton (A Bankrupt), *In re* [1969] 2 Ch. 201; [1969] 2 W.L.R. 661; [1969] 1 All E.R. 936. **Considered,** *In re Saunders (A Bankrupt)* [1996] 3 W.L.R. 473

Hyundai Heavy Industries Co. Ltd. v. Papadopoulos [1980] 1 W.L.R. 1129; [1980] 2 All E.R. 29; [1980] 2 Lloyd's Rep. 1, H.L.(E.). **Applied,** *Stocznia Gdanska S.A. v. Latvian Shipping Co.* [1995] 2 Lloyd's Rep. 592; [1996] 2 Lloyd's Rep. 132, C.A.

Ideal Bedding Co. Ltd. v. Holland [1907] 2 Ch. 157. **Not followed,** *Alsop Wilkinson v. Neary* [1996] 1 W.L.R. 1220

Impex Transport Aktieselskabet v. A. G. Thames Holdings Ltd. [1981] 1 W.L.R. 1547; [1982] 1 All E.R. 897. **Considered,** *Ernst & Young v. Butte Mining Plc.* [1996] 1 W.L.R. 1605

Industrie Chimiche Italia Centrale v. Alexander G. Tsavliris & Sons Maritime Co. [1996] 1 All E.R. 114. **Approved,** *Yorkshire Regional Health Authority v. Fairclough Building Ltd.* [1996] 1 W.L.R. 210, C.A.

Ingram (J.G.) & Son Ltd. v. Callaghan [1969] 1 W.L.R. 456; [1969] 1 All E.R. 433; 45 T.C. 151, C.A. **Distinguished,** *Marriott v. Lane* [1996] 1 W.L.R. 1211

Inland Revenue Comrs. v. Aken [1990] 1 W.L.R. 1374, C.A. **Applied,** *Harley Development Inc. v. Comr. of Inland Revenue* [1996] 1 W.L.R. 727, P.C.

Inland Revenue Comrs. v. Barclay, Curle & Co. Ltd. [1969] 1 W.L.R. 675; [1969] 1 All E.R. 732; [1969] 1 Lloyd's Rep.. 169; 45 T.C. 221, H.L.(Sc.). **Considered,** *Attwood v. Anduff Carwash Ltd.* (1995) T.C. Leaflet No. 3460

Inland Revenue Comrs. v. Butterley Co. Ltd. [1957] A.C. 32; [1956] 2 W.L.R. 1101; [1956] 2 All E.R. 197; 36 T.C. 411, H.L.(E.). **Considered,** *Nuclear Electric Plc. v. Bradley* (1995) T.C. Leaflet No. 3452, C.A.

Inland Revenue Comrs. v. Newcastle Breweries Ltd. (1927) 12 T.C. 927, Rowlatt J. **Considered,** *Deeny v. Gooda Walker Ltd. (No. 2)* [1996] 1 W.L.R. 426, H.L.(E.)

Inland Revenue Comrs. v. Scottish & Newcastle Breweries Ltd. [1982] 1 W.L.R. 322; [1982] 2 All E.R. 230; 55 T.C. 252, H.L.(Sc.). **Considered,** *Attwood v. Anduff Carwash Ltd.* (1995) T.C. Leaflet No. 3460

Inland Revenue Comrs. v. Sneath [1932] 2 K.B. 362; 17 T.C. 149. **Considered,** *Glaxo Group Ltd. v. Inland Revenue Comrs.* (1995) T.C. Leaflet No. 3470

Insolvency Rules 1986, *In re* an Application under the [1994] 2 B.C.L.C. 104, 105. **Dictum of Millett J. applied,** *Ex parte Creditnet Ltd.* [1996] 1 W.L.R. 1291

Insurance Co. of Africa v. Scor (U.K.) Reinsurance Co. Ltd. [1985] 1 Lloyd's Rep. 312, C.A. **Distinguished,** *Hill v. Mercantile and General Reinsurance Co. Plc.* [1996] 1 W.L.R. 1239, H.L.(E.)

Interbulk Ltd. v. Aiden Shipping Co. Ltd. (Note) [1985] 2 Lloyd's Rep. 410, C.A. **Considered,** *Glencore International S.A. v. Beogradska Plovidba* [1996] 2 Lloyd's Rep. 311

Invercargill City Council v. Hamlin [1994] 3 N.Z.L.R. 513. **Decision of the Court of Appeal of New Zealand affirmed** [1996] A.C. 624; [1996] 2 W.L.R. 367, P.C.

Ioakimidis' Policy Trusts, *In re*; Ioakimidis v. Hartcup [1925] Ch. 403. **Applied,** *In re S., decd.* [1996] 1 W.L.R. 235

Iran Torab, The [1988] 2 Lloyd's Rep. 38. **Considered,** *The Koscierzyna* [1996] 2 Lloyd's Rep. 124

Isaacs v. Robertson [1985] A.C. 97, 102; [1984] 3 W.L.R. 705; [1984] 3 All E.R. 140, P.C. **Dicta of Lord Diplock applied,** *Lewis v. St. Hillaire* [1996] 1 W.L.R. 981, P.C.

Island Records Ltd. v. Tring International Plc. [1995] 3 All E.R. 444. **Applied,** *Personal Representatives of Tang Man Sit v. Capacious Investments Ltd.* [1996] A.C. 514; [1996] 2 W.L.R. 192, P.C.

Izod, *In re*; *Ex parte* Official Receiver [1898] 1 Q.B. 241, C.A. **Considered,** *Fitch v. Official Receiver* [1996] 1 W.L.R. 242, C.A.

J. (A Minor) (Abduction: Custody Rights), *In re* [1990] 2 A.C. 562; [1990] 3 W.L.R. 492; [1990] 2 All E.R. 961, H.L.(E.). **Applied,** *In re A. (Minors) (Abduction: Habitual Residence)* [1996] 1 W.L.R. 25

Jackson v. Chief Adjudication Officer (Cases C-63 and 64/91) [1993] Q.B. 367, 404, paras. 15 and 16; [1993] 2 W.L.R. 658; [1993] 3 All E.R. 265; [1992] E.C.R. I-4737, E.C.J. **Applied,** *R. v. Secretary of State for Health, Ex parte Richardson (Case C-137/94)* [1996] I.C.R. 471, E.C.J.

Jarmin v. Rawlings (1994) T.C. Leaflet No. 3414. **Considered,** *Wase v. Bourke* (1995) T.C. Leaflet No. 3455

Jarrold v. John Good & Sons Ltd. [1963] 1 W.L.R. 214; [1963] 1 All E.R. 141; 40 T.C. 681, C.A. **Considered,** *Attwood v. Anduff Carwash Ltd.* (1995) T.C. Leaflet No. 3460

Jarvis v. Swans Tours Ltd. [1973] Q.B. 233; [1972] 3 W.L.R. 954; [1973] 1 All E.R. 71, C.A. **Considered,** *Wong Mee Wan v. Kwan Kin Travel Services Ltd.* [1996] 1 W.L.R. 38, P.C.

Jenkin R. Lewis & Son Ltd. v. Kerman [1971] Ch. 477, 496; [1970] 3 W.L.R. 673; [1970] 3 All E.R. 414, C.A. **Dictum of Russell L.J. applied,** *Friends' Provident Life Office v. British Railways Board* [1996] 1 All E.R. 336, C.A.

Johnson v. Agnew [1980] A.C. 367; [1979] 2 W.L.R. 487; [1979] 1 All E.R. 883, H.L.(E.). **Applied,** *E. Johnson & Co. (Barbados) Ltd. v. N.S.R. Ltd.* [1996] 3 W.L.R. 583, P.C. **Considered,** *Personal Representatives of Tang Man Sit v. Capacious Investments Ltd.* [1996] A.C. 514; [1996] 2 W.L.R. 192, P.C.

Johnson v. West Warwickshire Police [1986] R.T.R. 167, D.C. **Applied,** *Director of Public Prosecutions v. Wythe* [1996] R.T.R. 137, D.C.

Johnson v. West Yorkshire Metropolitan Police [1986] R.T.R. 167, D.C. **Applied,** *Wade v. Director of Public Prosecutions* [1996] R.T.R. 177, D.C.

Johnson v. Youden [1950] 1 K.B. 544, 546; [1950] 1 All E.R. 300, D.C. **Dicta of Lord Goddard C.J. applied,** *Attorney-General's Reference (No. 1 of 1995)* [1996] 1 W.L.R. 970, C.A.

Jones v. AMP Perpetual Trustee Co. N.Z. Ltd. [1994] 1 N.Z.L.R. 690. **Considered,** *Fuji Finance Inc. v. Aetna Life Insurance Co. Ltd.* [1996] 3 W.L.R. 871, C.A.

Jones v. G. D. Searle & Co. Ltd. [1979] 1 W.L.R. 101; [1978] 3 All E.R. 654, C.A. **Considered,** *Kershaw v. Whelan* [1996] 1 W.L.R. 358

Joyce v. Sengupta [1993] 1 W.L.R. 337; [1993] 1 All E.R. 897, C.A. **Considered,** *Norglen Ltd. v. Reeds Rains Prudential Ltd.* [1996] 1 W.L.R. 864, C.A.

KPMG Peat Marwick McLintock v. H.L.T. Group Ltd. [1995] 2 All E.R. 180. **Applied,** *Wraith v. Sheffield Forgemasters Ltd.* [1996] 1 W.L.R. 617

K/S A/S Bani v. Korea Shipbuilding and Engineering Corpn. [1987] 2 Lloyd's Rep. 445, C.A. **Applied,** *Regia Autonoma de Electricitate Renel v. Gulf Petroleum International Ltd.* [1996] 1 Lloyd's Rep. 67

Karflex Ltd. v. Poole [1933] 2 K.B. 251, D.C. **Approved,** *Barber v. NWS Bank Plc.* [1996] 1 W.L.R. 641, C.A.

Khan v. General Medical Council [1993] I.C.R. 627, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1996] I.C.R. 1032, C.A.

Khan (Mohammed Krim) v. Khan (Iqbal Ali) [1982] 1 W.L.R. 513; [1982] 2 All E.R. 60, C.A. **Considered,** *Renworth Ltd. v. Stephansen* [1996] 3 All E.R. 244, C.A.

Khorasandjian v. Bush [1993] Q.B. 727; [1993] 3 W.L.R. 476; [1993] 3 All E.R. 669, C.A. **Applied,** *Hunter v. Canary Wharf Ltd.* [1996] 2 W.L.R. 348, C.A.

King of the Two Sicilies v. Willcox (1851) 1 Sim.N.S. 301. **Applied,** *Brannigan v. Davison* [1996] 3 W.L.R. 859, P.C.

Kirby v. School Board for Harrogate [1896] 1 Ch. 437. **Followed,** *Brown v. Heathlands Mental Health National Health Service Trust* [1996] 1 All E.R. 133

Kirk and Randall Ltd. v. Dunn (1924) 8 T.C. 663. **Distinguished,** *Marriott v. Lane* [1996] 1 W.L.R. 1211

Kleinwort Benson Ltd. v. Barbrak Ltd. [1987] A.C. 597; [1987] 2 W.L.R. 1053; [1987] 2 All E.R. 289; [1987] 2 Lloyd's Rep. 1, H.L.(E.). **Applied,** *De Pina v. M.S. "Birka" Beutler Schiffahrts K.G.* [1996] 1 Lloyd's Rep. 31, C.A.

Kleinwort Benson Ltd. v. Glasgow City Council [1993] Q.B. 429; [1992] 3 W.L.R. 827; [1994] 4 All E.R. 865. **Decision of Hirst J. reversed** [1996] 2 W.L.R. 655, C.A.

Kleinwort Benson Ltd. v. South Tyneside Metropolitan Borough Council [1994] 4 All E.R. 972. **Approved,** *Kleinwort Benson Ltd. v. Birmingham City Council* [1996] 3 W.L.R. 1139, C.A.

Knight v. Inland Revenue Comrs. [1974] S.T.C. 156; 49 T.C. 179, C.A. **Considered,** *Glaxo Group Ltd. v. Inland Revenue Comrs.* (1995) T.C. Leaflet No. 3470

L. (A Minor) (Police Investigation: Privilege), *In re* [1995] 1 F.L.R. 999, C.A. **Decision of the Court of Appeal affirmed** [1996] 2 W.L.R. 395, H.L.(E.)

L. (An Infant), *In re* [1968] P. 119, 159; [1967] 3 W.L.R. 1645; [1968] 1 All E.R. 20, C.A. **Dictum of Lord Denning M.R. applied,** *In re H. (A Minor) (Blood Tests: Parental Rights)* [1996] 3 W.L.R. 506, C.A.

Lansing Linde Ltd. v. Kerr [1991] 1 W.L.R. 251; [1991] I.C.R. 428; [1991] 1 All E.R. 418, C.A. **Applied,** *Credit Suisse Asset Management Ltd. v. Armstrong* [1996] I.C.R. 882, C.A.

Laurent v. Sale & Co. [1963] 1 W.L.R. 829; [1963] 2 All E.R. 63. **Distinguished,** *Camdex International Ltd. v. Bank of Zambia* [1996] 3 W.L.R. 759, C.A.

Lavarack v. Woods of Colchester Ltd. [1967] 1 Q.B. 278; [1966] 3 W.L.R. 706; [1966] 3 All E.R. 683, C.A. **Distinguished,** *Lion Nathan Ltd. v. C-C Bottlers Ltd.* [1996] 1 W.L.R. 1438, P.C.

Lechmere v. Hawkins (1798) 2 Esp. 626. **Not followed,** *Coca-Cola Financial Corpn. v. Finsat International Ltd.* [1996] 3 W.L.R. 849, C.A.

Lee v. Gansel (1774) 1 Cowp. 1. **Applied,** *McLeod v. Butterwick* [1996] 1 W.L.R. 995

Lee (Paula) Ltd. v. Robert Zehil & Co. Ltd. [1983] 2 All E.R. 390. **Distinguished,** *Lion Nathan Ltd. v. C-C Bottlers Ltd.* [1996] 1 W.L.R. 1438, P.C.

Leverton v. Clwyd County Council [1989] A.C. 706; [1989] 2 W.L.R. 47; [1989] I.C.R. 33; [1989] 1 All E.R. 78 H.L.(E.). **Applied,** *British Coal Corpn. v. Smith* [1996] I.C.R. 515, H.L.(E.)

Lewis v. Daily Telegraph Ltd. [1964] A.C. 234; [1963] 2 W.L.R. 1063; [1963] 2 All E.R. 151, H.L.(E.). **Considered,** *Stern v. Piper* [1996] 3 W.L.R. 715, C.A.

Leyland DAF Ltd., *In re* [1995] 2 A.C. 394, 408; [1995] 2 W.L.R. 312; [1994] 4 All E.R. 300. **Dictum of Lightman J. distinguished,** *Brown v. City of London Corpn.* [1996] 1 W.L.R. 1070

Liangsirprasert (Somchai) v. Government of the United States of America [1991] 1 A.C. 225, 242–243; [1990] 3 W.L.R. 606; [1990] 2 All E.R. 866, P.C. **Dicta applied,** *R. v. Latif* [1996] 1 W.L.R. 104, H.L.(E.). **Considered,** *R. v. Smith (Wallace Duncan)* [1996] 2 Cr.App.R. 1, C.A.

Lillicrap v. Nalder & Son [1993] 1 W.L.R. 94; [1993] 1 All E.R. 724, C.A. **Applied,** *Kershaw v. Whelan* [1996] 1 W.L.R. 358

Linnett v. Coles [1987] Q.B. 555; [1986] 3 W.L.R. 843; [1986] 3 All E.R. 652, C.A. **Applied,** *Delaney v. Delaney* [1996] Q.B. 387; [1996] 2 W.L.R. 74, C.A.

Lipkin Gorman v. Karpnale Ltd. [1991] 2 A.C. 548; [1991] 3 W.L.R. 10; [1992] 4 All E.R. 512, H.L.(E.). **Considered,** *Trustee of the Property of F. C. Jones & Sons v. Jones* [1996] 3 W.L.R. 703, C.A.

Lister & Co. v. Stubbs (1890) 45 Ch.D. 1, C.A. **Considered,** *Attorney-General v. Blake* [1996] 3 W.L.R. 741

Litster v. Forth Dry Dock & Engineering Co. Ltd. [1990] 1 A.C. 546; [1989] 2 W.L.R. 634; [1989] 1 All E.R. 1134, H.L.(Sc.). **Distinguished,** *Robert Gordon's College v. Customs and Excise Comrs.* [1996] 1 W.L.R. 201, H.L.(Sc.)

Littrell v. United States of America (No. 2) [1995] 1 W.L.R. 82; [1994] 4 All E.R. 203, C.A. **Applied,** *Arab Republic of Egypt v. Gamal-Eldin* [1996] I.C.R. 13, E.A.T.

Liverpool and London and Globe Insurance Co. v. Bennett [1913] A.C. 610, H.L.(E.). **Applied,** *Nuclear Electric Plc. v. Bradley* [1996] 1 W.L.R. 529, H.L.(E.). **Considered,** *Nuclear Electric Plc. v. Bradley* (1995) T.C. Leaflet No. 3452, C.A.

Lloyd's (Society of) v. Clementson [1995] L.R.L.R. 307. **Considered,** *Marchant & Eliot Underwrting Ltd. v. Higgins* [1996] 1 Lloyd's Rep. 313

Lloyds and Scottish Finance Ltd. v. Modern Cars and Caravans (Kingston) Ltd. [1966] 1 Q.B. 764; [1964] 3 W.L.R. 859; [1964] 2 All E.R. 732. **Applied,** *McLeod v. Butterwick* [1996] 1 W.L.R. 995

Llynvi Coal and Iron Co., *Ex parte*; *In re* Hide (1871) L.R. 7 Ch.App. 28. **Applied,** *In re Park Air Services Plc.* [1996] 1 W.L.R. 649

L'Office Cherifien des Phosphates v. Yamashita-Shinnihon Steamship Co. Ltd. [1994] 1 A.C. 486; [1994] 2 W.L.R. 39; [1994] 1 All E.R. 20, H.L.(E.). **Considered,** *Boote v. Banco do Brasil S.A.* (1996) T.C. Leaflet No. 3467

Lok Vivek, The [1995] 2 Lloyd's Rep. 230. **Considered,** *The Koscierzyna* [1996] 2 Lloyd's Rep. 124

London & County Securities Ltd. v. Nicholson [1980] 1 W.L.R. 948. **Applied,** *Soden v. Burns* [1996] 1 W.L.R. 1512

London and Thames Haven Oil Wharves Ltd. v. Attwooll [1967] Ch. 772; [1967] 2 W.L.R. 743; [1967] 2 All E.R. 124, C.A. **Considered,** *Deeny v. Gooda Walker Ltd. (No. 2)* [1996] 1 W.L.R. 426, H.L.(E.)

London Association for Protection of Trade v. Greenlands Ltd. [1916] 2 A.C. 15, H.L.(E.). **Applied,** *Watts v. Times Newspapers Ltd.* [1996] 2 W.L.R. 427, C.A.

London Scottish Benefit Society v. Chorley (1884) 13 Q.B.D. 872, C.A. **Applied,** *Jonathan Alexander Ltd. v. Proctor* [1996] 1 W.L.R. 518, C.A.

Lord Advocate v. The Scotsman Publications Ltd. [1990] 1 A.C. 812; [1989] 3 W.L.R. 358; [1989] 2 All E.R. 852, H.L.(Sc.). **Applied,** *Attorney-General v. Blake* [1996] 3 W.L.R. 741

Lowery v. The Queen [1974] A.C. 85; [1973] 3 W.L.R. 235; [1973] 3 All E.R. 662; 58 Cr.App.R. 35, P.C. **Applied,** *R. v. Thompson* [1995] Cr.App.R. 589, C.A.

Luc Thiet Thuan v. The Queen [1993] 2 H.K.C. 177. **Decision of the Court of Appeal of Hong Kong affirmed** [1996] 3 W.L.R. 45, P.C.

M. (A Minor) v. Newham London Borough County Council [1995] 2 A.C. 633; [1994] 2 W.L.R. 554; [1994] 4 All E.R. 602, C.A. **Considered,** *John Munroe (Acrylics) Ltd. v. London Fire and Civil Defence Authority* [1996] 3 W.L.R. 988

M. (Abduction: Non-Convention Country), *In re* [1995] 1 F.L.R. 89, C.A. **Applied,** *In re A. (Minors) (Abduction: Habitual Residence)* [1996] 1 W.L.R. 25

M. (Minors) (Interim Care Order: Directions), *In re* [1996] 3 F.C.R. 137, C.A. **Overruled,** *In re C. (A Minor) (Interim Care Order: Residential Assessment)* [1996] 3 W.L.R. 1098, H.L.(E.)

M. v. P. (Contempt of Court: Committal Order) [1993] Fam. 167; [1992] 3 W.L.R. 813; [1992] 4 All E.R. 833, C.A. **Applied,** *Delaney v. Delaney* [1996] Q.B. 387; [1996] 2 W.L.R. 74, C.A.

M.S. Fashions Ltd. v. Bank of Credit and Commerce International S.A. [1993] Ch. 425; [1993] 3 W.L.R. 220; [1993] 3 All E.R. 769, C.A. **Distinguished,** *In re Bank of Credit and Commerce International S.A. (No. 8)* [1996] Ch. 245; [1996] 2 W.L.R. 631, C.A.

Macarthys Ltd. v. Smith (Case 129/79) [1981] Q.B. 180; [1980] 3 W.L.R. 929; [1980] I.C.R. 672; [1981] 1 All E.R. 111, E.C.J. and C.A. **Considered,** *Diocese of Hallam Trustee v. Connaughton* [1996] I.C.R. 860, E.A.T.

McConnel v. Wright [1903] 1 Ch. 546, C.A. **Considered,** *Smith New Court Securities Ltd. v. Scrimgeour Vickers (Asset Management) Ltd.* [1996] 3 W.L.R. 1051, H.L.(E.)

McCormick v. Grogan (1869) L.R. 4 H.L. 82, 97, H.L.(I.). **Dictum of Lord Westbury explained,** *Halifax Building Society v. Thomas* [1996] Ch. 217; [1996] 2 W.L.R. 63, C.A.

McFarlane v. E.E. Caledonia Ltd. [1994] 1 Lloyd's Rep. 16, C.A. **Applied,** *Hegarty v. E.E. Caledonia Ltd.* [1996] 1 Lloyd's Rep. 413

McFarlane v. E.E. Caledonia Ltd. (No. 2) [1995] 1 W.L.R. 366, 373. **Dictum of Longmore J. approved,** *Condliffe v. Hislop* [1996] 1 W.L.R. 753, C.A.

McGregor v. Adcock [1977] 1 W.L.R. 864; [1977] 3 All E.R. 65; 51 T.C. 692. **Considered,** *Wase v. Bourke* (1995) T.C. Leaflet No. 3455

Maclaine & Co. v. Eccott [1926] A.C. 424; 10 T.C. 480, H.L.(E.). **Considered,** *Willson v. Hooker* (1995) T.C. Leaflet No. 3451

Macmillan Inc. v. Bishopsgate Investment Trust Plc. (No. 3) [1995] 1 W.L.R. 978; [1995] 3 All E.R. 747. **Decision of Millett J. affirmed on different grounds** [1996] 1 W.L.R. 387, C.A.

McNamee v. Cooper, The Times, 7 September 1966. **Not followed,** *Wise v. Union of Shop, Distributive and Allied Workers* [1996] I.C.R. 691

McNaughton (James) Papers Group Ltd. v. Hicks Anderson & Co. [1991] 2 Q.B. 113; [1991] 2 W.L.R. 641; [1991] 1 All E.R. 134, C.A. **Applied,** *Goodwill v. British Pregnancy Advisory Service* [1996] 1 W.L.R. 1397, C.A.

McPhail v. Persons, Names Unknown [1973] Ch. 447; [1973] 3 W.L.R. 71; [1973] 3 All E.R. 393, C.A. **Distinguished,** *Bibby v. Partap* [1996] 1 W.L.R. 931, P.C.

Machine Tool Industry Research Association v. Simpson [1988] I.C.R. 558, C.A. **Distinguished,** *Marley (U.K.) Ltd. v. Anderson* [1996] I.C.R. 728, C.A.

Mahesan s/o Thambiah v. Malaysia Government Officers' Co-operative Housing Society Ltd. [1979] A.C. 374; [1978] 2 W.L.R. 444; [1978] 2 All E.R. 405, P.C. **Applied,** *Personal Representatives of Tang Man Sit v. Capacious Investments Ltd.* [1996] A.C. 514; [1996] 2 W.L.R. 192, P.C.

Mahkutai, The [1994] 1 H.K.L.R. 212. **Decision of the Court of Appeal of Hong Kong affirmed** [1996] A.C. 650; [1996] 3 W.L.R. 1, P.C.

Mahmud v. Bank of Credit and Commerce International S.A. [1994] I.R.L.R. 282. **Decision of Evans-Lombe J. affirmed** [1996] I.C.R. 406, C.A.

Manson v. Associated Newspapers Ltd. [1965] 1 W.L.R. 1038; [1965] 2 All E.R. 954. **Considered,** *John v. MGN Ltd.* [1996] 3 W.L.R. 593, C.A.

Mannai Investment Co. Ltd. v. Eagle Star Life Assurance Co. Ltd. [1995] 1 W.L.R. 1508; [1996] 1 All E.R. 55, C.A. **Applied,** *Garston v. Scottish Widows' Fund and Life Assurance Society* [1996] 1 W.L.R. 834

Marc Rich & Co. A.G. v. Societa Italiana Impianti P.A. [1992] 1 Lloyd's Rep. 342, E.C.J. **Applied,** *Arab Business Consortium International Finance and Investment Co. v. Banque Franco-Tunisienne* [1996] 1 Lloyd's Rep. 485

Marc Rich & Co. A.G. v. Societa Italiana Impianti P.A. (No. 2) [1992] 1 Lloyd's Rep. 624, C.A. **Considered,** *Toepfer International G.m.b.H. v. Molino Boschi Srl.* [1996] 1 Lloyd's Rep. 510

Marley (U.K.) Ltd. v. Anderson [1994] I.C.R. 295, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1996] I.C.R. 728, C.A.

Marren v. Ingles [1980] 1 W.L.R. 983; [1980] 3 All E.R. 95; 54 T.C. 76, H.L.(E.). **Considered,** *Chaloner v. Pellipar Investments Ltd.* (1996) T.C. Leaflet No. 3466

Marsland, *In re*; Lloyds Bank Ltd. v. Marsland [1939] Ch. 820, C.A. **Distinguished,** *In re Goodchild, decd.* [1996] 1 W.L.R. 694

Marten v. Royal College of Veterinary Surgeons' Disciplinary Committee [1966] 1 Q.B. 1; [1965] 2 W.L.R. 1228; [1965] 1 All E.R. 949, D.C. **Considered,** *Plenderleith v. Royal College of Veterinary Surgeons* [1996] 1 W.L.R. 224, P.C.

Martin French (A.) v. Kingswood Hill Ltd. [1961] 1 Q.B. 96; [1960] 2 W.L.R. 947; [1960] 2 All E.R. 251, C.A. **Applied,** *Hoppe v. Titman* [1996] 1 W.L.R. 841, C.A.

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Massey v. Sladen (1868) L.R. 4 Exch. 13. **Considered,** *Sheppard & Cooper Ltd. v. T.S.B. Bank Plc.* [1996] 2 All E.R. 654

Master v. Miller (1791) 4 Term.Rep. 320. **Considered,** *Co-operative Bank Plc. v. Tipper* [1996] 4 All E.R. 366

Matto v. Wolverhampton Crown Court [1987] R.T.R. 337, D.C. **Distinguished,** *Braham v. Director of Public Prosecutions* [1996] R.T.R. 30, D.C.

May v. Vincent (1990) 154 J.P. 997. **Explained,** *Roberts v. Leonard* (1995) 94 L.G.R. 284, D.C.

Mears v. The Queen [1993] 1 W.L.R. 818; 97 Cr.App.R. 239, P.C. **Applied,** *R. v. Wood* [1996] 1 Cr.App.R. 207, C.A.

Melluish v. B.M.I. (No. 3) Ltd. [1995] 3 W.L.R. 630; [1995] 4 All E.R. 453, H.L.(E.). **Considered,** *Three Rivers District Council v. Bank of England (No. 2)* [1996] 2 All E.R. 363

Meridian Global Funds Management Asia Ltd. v. Securities Commission [1995] 2 A.C. 500; [1995] 3 W.L.R. 413; [1995] 3 All E.R. 918, P.C. **Considered,** *R. v. Rozeik* [1996] 1 W.L.R. 159, C.A.

Mersey Docks and Harbour Board Trustees v. Gibbs (1866) L.R. 1 H.L. 93, H.L.(E.). **Applied,** *Stovin v. Wise* [1996] 3 W.L.R. 388, H.L.(E.)

Metal Scrap Trade Corpn. v. Kate Shipping Co. Ltd. (No. 2) [1994] 2 Lloyd's Rep. 402. **Applied,** *Ignazio Messina & Co. v. Polskie Linie Oceaniczne* [1995] 2 Lloyd's Rep. 566

Meunier, *In re* [1894] 2 Q.B. 415, D.C. **Applied,** *T. v. Secretary of State for the Home Department* [1996] A.C. 742; [1996] 2 W.L.R. 766, H.L.(E.)

Midland Bank Ltd. v. Stamps [1978] 1 W.L.R. 635, 638; [1978] 3 All E.R. 1. **Dictum of Donaldson J. disapproved,** *National Westminster Bank Plc. v. Kitch* [1996] 1 W.L.R. 1316, C.A.

Midland Coal, Coke and Iron Co., *In re*; Craig's Claim [1895] 1 Ch. 267, C.A. **Considered,** *In re Cancol Ltd.* [1996] 1 All E.R. 37

Midland Silicones Ltd. v. Scruttons Ltd. [1962] A.C. 446; [1962] 2 W.L.R. 186; [1962] 1 All E.R. 1, H.L.(E.). **Considered,** *The Mahkutai* [1996] A.C. 650; [1996] 3 W.L.R. 1, P.C.

Miller v. Stapleton [1996] 2 All E.R. 449. **Considered,** *Westminster City Council v. Haywood* [1996] 3 W.L.R. 563

Miller-Mead v. Minister of Housing and Local Government [1963] 2 Q.B. 196; [1963] 2 W.L.R. 225; [1963] 1 All E.R. 459; 61 L.G.R. 152, C.A. **Applied,** *R. v. Secretary of State for the Environment, Ex parte Slough Borough Council* (1995) 94 L.G.R. 376, C.A.

Milligan v. Securicor Cleaning Ltd. [1995] I.C.R. 867, E.A.T. **Not followed,** *R. v. Secretary of State for Trade and Industry, Ex parte Unison* [1996] I.C.R. 1003, D.C.

Ministry of Defence v. Bristow [1996] I.C.R. 544, E.A.T. **Not followed**, *Ministry of Defence v. Hunt* [1996] I.C.R. 554, E.A.T.

Ministry of Defence v. Cannock [1994] I.C.R. 918, 950, E.A.T. **Dicta considered**, *Ministry of Defence v. Hunt* [1996] I.C.R. 554, E.A.T. **Dicta distinguished**, *Ministry of Defence v. Mutton* [1996] I.C.R. 590, E.A.T.

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Moody v. Stevenson [1992] Ch. 486; [1992] 2 W.L.R. 640; [1992] 2 All E.R. 524, C.A. **Not followed,** *In re Krubert, decd.* [1996] 3 W.L.R. 959, C.A.

Morbaine Ltd. v. Secretary of State for the Environment (1993) 68 P. & C.R. 525. **Decision of Mr. David Widdicombe Q.C. reversed,** *R. v. Secretary of State for the Environment, Ex parte South Northamptonshire District Council* (1995) 94 L.G.R. 197, C.A.

Morris v. Director of the Serious Fraud Office [1993] Ch. 372; [1993] 3 W.L.R. 1; [1993] 1 All E.R. 788. **Considered,** *Soden v. Burns* [1996] 1 W.L.R. 1512

Morris, decd., *In re* [1971] P. 62; [1970] 2 W.L.R. 865; [1970] 1 All E.R. 1057. **Considered,** *In re Segelman, decd.* [1996] Ch. 171; [1996] 2 W.L.R. 173

Moses v. Lovegrove [1952] 2 Q.B. 533; [1952] 1 All E.R. 1279, C.A. **Applied,** *Long v. Tower Hamlets London Borough Council* [1996] 3 W.L.R. 317

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Mulder v. Council and Commission of the European Communities (Joined Cases C-104/89 and C-37/90) [1992] E.C.R. I-3061, 3136–3137, para. 33, E.C.J. **Dicta applied,** *Brasserie du Pêcheur S.A. v. Federal Republic of Germany* (Joined Cases C-46/93 and C-48/93) [1996] Q.B. 404; [1996] 2 W.L.R. 506, E.C.J.

Mund & Fester v. Hatrex International Transport (Case C-398/92) [1994] E.C.R. I-467, E.C.J. **Applied,** *Fitzgerald v. Williams* [1996] Q.B. 657; [1996] 2 W.L.R. 447, C.A. **Considered,** *Chequepoint S.A.R.L. v. McClelland* [1996] 3 W.L.R. 341, C.A.

Munk v. Cass (1841) 9 Dowl 332. **Applied,** *Debtor (No. 340 of 1992), In re A; Ex parte The Debtor v. First National Commercial Bank Plc.* [1996] 2 All E.R. 211

Munroe, John (Acrylics) Ltd. v. London Fire and Civil Defence Authority [1996] 3 W.L.R. 988; [1996] 4 All E.R. 318. **Distinguished,** *Capital & Counties Plc. v. Hampshire County Council* [1996] 1 W.L.R. 1553

Murjani (A Bankrupt), *In re* [1996] 1 W.L.R. 1498; [1996] 1 All E.R. 65. **Applied,** *Soden v. Burns* [1996] 1 W.L.R. 1512

Murphy v. Brentwood District Council [1991] 1 A.C. 398; [1990] 3 W.L.R 414; [1990] 2 All E.R. 908, H.L.(E.). **Not followed,** *Invercargill City Council v. Hamlin* [1996] A.C. 624; [1996] 2 W.L.R. 367, P.C.

NFC Forwarding Ltd. v. Director of Public Prosecutions [1989] R.T.R. 239, D.C. **Distinguished,** *West Yorkshire Trading Standards Service v. Lex Vehicle Leasing Ltd.* [1996] R.T.R. 70, D.C.

NM Superannuation Pty. Ltd. v. Young (1993) 113 A.L.R. 39. **Considered,** *Fuji Finance Inc. v. Aetna Life Insurance Co. Ltd.* [1996] 3 W.L.R. 871, C.A.

Nagy v. Weston [1965] 1 W.L.R. 280, 284; [1965] 1 All E.R. 78, D.C. **Dicta of Lord Parker C.J. applied,** *Carey v. Chief Constable of Avon and Somerset* [1995] R.T.R. 405, C.A.

Nash v. Eli Lilly & Co. [1993] 1 W.L.R. 782; [1993] 4 All E.R. 383, C.A. **Considered,** *Forbes v. Wandsworth Health Authority* [1996] 3 W.L.R. 1108, C.A.

National Employers Mutual General Insurance Association Ltd., *In re* [1995] 1 B.C.L.C. 232. **Not followed,** *In re Saunders (A Bankrupt)* [1996] 3 W.L.R. 473

National Insurance Act 1911, *In re*; Employment of Church of England Curates, *In re* [1912] 2 Ch. 563. **Followed,** *Diocese of Southwark v. Coker* [1996] I.C.R. 896, E.A.T.

Nederlandse Reassurantie Groep Holding N.V. v. Bacon & Woodrow [1995] 1 All E.R. 976. **Considered,** *Kershaw v. Whelan* [1996] 1 W.L.R. 358

Neill v. North Antrim Magistrates' Court [1992] 1 W.L.R. 1220; [1992] 4 All E.R. 846, H.L.(N.I.). **Applied,** *R. v. Bedwellty Justices, Ex parte Williams* [1996] 3 W.L.R. 361, H.L.(E.)

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Ng Enterprises Ltd. v. Urban Council [1996] 1 H.K.C. 209. **Decision of the Court of Appeal of Hong Kong affirmed** [1996] 3 W.L.R. 751, P.C.

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Noble v. South Herefordshire District Council (1983) 17 H.L.R. 80. **Followed,** *R. v. Bristol City Council, Ex parte Bradic* (1995) 94 L.G.R. 257, C.A.

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Norman, *In re* (1849) 11 Beav. 401. **Not followed,** *A. Ltd. v. B. Ltd.* [1996] 1 W.L.R. 665

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Nuclear Electric Plc. v. Bradley [1995] S.T.C. 1125, C.A. **Decision of the Court of Appeal affirmed** [1996] 1 W.L.R. 529, H.L.(E.)

O. (Restraint Order: Disclosure of Assets), *In re* [1991] 2 Q.B. 520; [1991] 2 W.L.R. 475; [1991] 1 All E.R. 330, C.A. **Distinguished,** *In re H. (Restraint Order: Realisable Property)* [1996] 2 All E.R. 391, C.A.

Oceanic Steamship Co. v. Faber (1906) 11 Com.Cas. 179. **Considered,** *Promet Engineering (Singapore) Pte. Ltd. v. Sturge* [1996] 1 Lloyd's Rep. 85

Office Cleaning Services Ltd. v. Westminster Window and General Cleaners Ltd. (1946) 63 R.P.C. 39. **Considered,** *British Diabetic Association v. Diabetic Society Ltd.* [1995] 4 All E.R. 812

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Ogburn v. Director of Public Prosecutions [1994] 1 W.L.R. 1107; [1994] R.T.R. 241, D.C. **Applied,** *Turner v. Director of Public Prosecutions (Note)* [1996] R.T.R. 274, D.C. **Distinguished,** *Director of Public Prosecutions v. Charles (Note)* [1996] R.T.R. 247, D.C.

O'Laoire v. Jackel International Ltd. (No. 2) [1991] I.C.R. 718, C.A. **Applied,** *Mahmud v. Bank of Credit and Commerce International S.A.* [1996] I.C.R. 406, C.A.

O'Leary v. Douglass (1878) 3 L.R.Ir. 323. **Considered,** *Corbett v. Newey* [1996] 3 W.L.R. 729, C.A.

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Oriental Credit Ltd., *In re* [1988] Ch. 204; [1988] 2 W.L.R. 172; [1988] 1 All E.R. 892. **Distinguished,** *Morris v. Murjani* [1996] 1 W.L.R. 848, C.A.

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Overseas Buyers Ltd. v. Granadex S.A. [1980] 2 Lloyd's Rep. 608, 612–613. **Dictum of Mustill J. considered,** *Vitol S.A. v. Norelf Ltd.* [1996] A.C. 800; [1996] 3 W.L.R. 105, H.L.(E.)

Oxfordshire County Council v. M. [1994] Fam. 151; [1994] 2 W.L.R. 393; [1994] 2 All E.R. 269, C.A. **Approved,** *In re L. (A Minor) (Police Investigation: Privilege)* [1996] 2 W.L.R. 395, H.L.(E.)

Oxfordshire County Council v. P. [1995] Fam. 161, 169–171; [1995] 2 W.L.R. 543; [1995] 2 All E.R. 225. **Dicta of Ward J. disapproved,** *In re G. (A Minor) (Social Worker: Disclosure)* [1996] 1 W.L.R. 1407, C.A.

P.C.W. Syndicates v. P.C.W. Reinsurers [1996] 1 W.L.R. 1136; [1996] 1 All E.R. 774, C.A. **Applied,** *Group Josi Re (formerly Groupe Josi Réassurance S.A.) v. Walbrook Insurance Co. Ltd.* [1996] 1 W.L.R. 1152, C.A.

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Pagnan S.p.A. v. Feed Products Ltd. [1987] 2 Lloyd's Rep. 601, Bingham J. and C.A. **Considered,** *Jayaar Impex Ltd. v. Toaken Group Ltd. (trading as Hicks Brothers)* [1996] 2 Lloyd's Rep. 437

Palatine Graphic Arts Co. Ltd. v. Liverpool City Council [1986] Q.B. 335; [1986] 2 W.L.R. 285; [1986] 1 All E.R. 366, C.A. **Applied,** *St. Albans City and District Council v. International Computers Ltd.* [1996] 4 All E.R. 481, C.A.

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Parker's Policies, *In re* [1906] 1 Ch. 526. **Distinguished,** *In re S., decd.* [1996] 1 W.L.R. 235

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Parry v. Cleaver [1970] A.C. 1; [1969] 2 W.L.R. 821; [1969] 1 All E.R. 555, H.L.(E.). **Applied,** *St. Albans City and District Council v. International Computers Ltd.* [1996] 4 All E.R. 481, C.A.

Paul v. Speirway Ltd. [1976] Ch. 220; [1976] 2 W.L.R. 715; [1976] 2 All E.R. 587. **Considered,** *Boscawen v. Bajwa* [1996] 1 W.L.R. 328, C.A.

Payabi v. Armstel Shipping Corpn. [1992] Q.B. 907; [1992] 2 W.L.R. 898; [1992] 3 All E.R. 329; [1992] 2 Lloyd's Rep. 62. **Considered,** *Arab Business Consortium International Finance and Investment Co. v. Banque Franco-Tunisienne* [1996] 1 Lloyd's Rep. 485

Peek v. Derry [1887] 37 Ch.D. 541, C.A. **Considered,** *Smith New Court Securities Ltd. v. Scrimgeour Vickers (Asset Management) Ltd.* [1996] 3 W.L.R. 1051, H.L.(E.)

Peek v. Gurney (1873) L.R. 6 H.L. 377, H.L.(E.). **Distinguished,** *Possfund Custodian Trustee Ltd. v. Diamond* [1996] 1 W.L.R. 1351

Pepper v. Hart [1993] A.C. 593; [1992] 3 W.L.R. 1032; [1993] I.C.R. 291; [1993] 1 All E.R. 42; 65 T.C. 421, H.L.(E.). **Considered,** *Three Rivers District Council v. Bank of England (No. 2)* [1996] 2 All E.R. 363

Petrofina (U.K.) Ltd. v. Magnaload Ltd. [1984] Q.B. 127; [1983] 3 W.L.R. 805; [1983] 3 All E.R. 35; [1983] 2 Lloyd's Rep. 91. **Applied,** *Glengate-K.G. Properties Ltd. v. Norwich Union Fire Insurance Society Ltd.* [1996] 2 All E.R. 487, C.A.

Phoenix General Insurance Co. of Greece S.A. v. Halvanon Insurance Co. Ltd. [1988] Q.B. 216; [1987] 2 W.L.R. 512; [1987] 2 All E.R. 152, C.A. **Considered,** *Fuji Finance Inc. v. Aetna Life Insurance Co. Ltd.* [1996] 3 W.L.R. 871, C.A.

Phonogram Ltd. v. Lane [1982] Q.B. 938; [1981] 3 W.L.R. 736; [1981] 3 All E.R. 182, C.A. **Applied,** *Coral (U.K.) Ltd. v. Rechtman* [1996] 1 Lloyd's Rep. 235

Phosphate Sewage Co. Ltd. v. Molleson (1879) 4 App.Cas. 801, H.L.(Sc.). **Applied,** *Smith v. Linskills* [1996] 1 W.L.R. 763, C.A.

Pigot's Case (1614) 11 Co.Rep. 26b. **Applied,** *Goss v. Chilcott* [1996] A.C. 788; [1996] 3 W.L.R. 180, P.C.

Pigs Marketing Board v. Redmond (Case 83/78) [1978] E.C.R. 2347, 2373, paras. 66 and 67, E.C.J. **Dicta applied,** *R. v. Ministry of Agriculture, Fisheries and Food, Ex parte Hedley Lomas (Ireland) Ltd.* (Case C-5/94) [1996] 3 W.L.R. 787, E.C.J.

Pioneer Container, The [1994] 2 A.C. 324; [1994] 3 W.L.R. 1; [1994] 2 All E.R. 250, P.C. **Considered,** *Citi-March Ltd. v. Neptune Orient Lines Ltd.* [1996] 1 W.L.R. 1367. **Distinguished,** *The Mahkutai* [1996] A.C. 650; [1996] 3 W.L.R. 1, P.C.

Piper Double Glazing Ltd. v. D.C. Contracts [1994] 1 W.L.R. 777; [1994] 1 All E.R. 177. **Considered,** *Jonathan Alexander Ltd. v. Proctor* [1996] 1 W.L.R. 518, C.A.

Pirelli General Cable Works Ltd. v. Oscar Faber & Partners [1983] 2 A.C. 1; [1983] 2 W.L.R. 6; [1983] 1 All E.R. 65, H.L.(E.). **Not followed,** *Invercargill City Council v. Hamlin* [1996] A.C. 624; [1996] 2 W.L.R. 367, P.C.

Polkey v. A. E. Dayton Services Ltd. [1988] A.C. 344, 364; [1987] 3 W.L.R. 1153; [1988] I.C.R. 142; [1987] 3 All E.R. 974, H.L.(E.). **Applied,** *Westminster City Council v. Cabaj* [1996] I.C.R. 960, C.A. **Considered,** *Digital Equipment Co. Ltd. v. Clements* [1996] I.C.R. 829, E.A.T. **Dictum of Lord Bridge of Harwich explained,** *Chamberlain Vinyl Products Ltd. v. Patel* [1996] I.C.R. 113, E.A.T.

Pollock v. Garle [1898] 1 Ch. 1, 4, C.A. **Dictum of Lindley M.R. applied,** *Douglas v. Pindling* [1996] A.C. 890; [1996] 3 W.L.R. 242, P.C.

Porcelli v. Strathclyde Regional Council [1986] I.C.R. 564, Ct. of Sess. **Considered,** *Stewart v. Cleveland Guest (Engineering) Ltd.* [1996] I.C.R. 535, E.A.T.

Port Jackson Stevedoring Pty. Ltd. v. Salmond and Spraggon (Australia) Pty. Ltd. (The New York Star) [1981] 1 W.L.R. 138; [1980] 3 All E.R. 257, P.C. **Distinguished,** *The Mahkutai* [1996] A.C. 650; [1996] 3 W.L.R. 1, P.C.

Post Office v. Marney [1990] I.R.L.R. 170, E.A.T. **Considered,** *Westminster City Council v. Cabaj* [1996] I.C.R. 960, C.A.

Post Office v. Union of Communication Workers [1990] 1 W.L.R. 981, 990; [1990] I.C.R. 258; [1990] 3 All E.R. 199, C.A. **Dictum of Lord Donaldson of Lymington M.R. not followed,** *London Underground Ltd. v. National Union of Railwaymen, Maritime and Transport Staff* [1996] I.C.R. 170, C.A.

Practice Direction (Action: Setting Down for Trial) [1979] 1 W.L.R. 1040; [1979] 3 All E.R. 193. **Revoked,** *Practice Direction (Action: Setting Down)* [1996] 1 W.L.R. 1431

Practice Direction (Admiralty: Directions) [1982] 1 W.L.R. 660; [1982] 2 All E.R. 480; [1982] 1 Lloyd's Rep. 654. **Superseded,** *Practice Direction (Admiralty Court: Practice)* [1996] 1 W.L.R. 127

Practice Direction (Admiralty: Foreign Currency) [1977] 1 W.L.R. 184; [1977] 1 All E.R. 544; [1977] 1 Lloyd's Rep. 454. **Superseded,** *Practice Direction (Admiralty Court: Practice)* [1996] 1 W.L.R. 127

Practice Direction (Admiralty: Postal Facilities) [1976] 1 W.L.R. 516; [1976] 2 All E.R. 446; [1976] 2 Lloyd's Rep. 121. **Superseded,** *Practice Direction (Admiralty Court: Practice)* [1996] 1 W.L.R. 127

Practice Direction (Admiralty: Taxation of Costs) [1986] 1 W.L.R. 1310; [1986] 3 All E.R. 178. **Superseded,** *Practice Direction (Admiralty Court: Practice)* [1996] 1 W.L.R. 127

Practice Direction (Admiralty Court: Practice) [1993] 1 W.L.R. 960; [1993] 2 All E.R. 671. **Superseded,** *Practice Direction (Admiralty Court: Practice)* [1996] 1 W.L.R. 127

Practice Direction (E.A.T.: Preliminary Hearing) [1985] I.C.R. 684, E.A.T. **Superseded,** *Practice Direction (E.A.T.: Procedure)* [1996] I.C.R. 422, E.A.T.

Practice Direction (E.A.T.: Procedure) [1981] I.C.R. 287; [1981] 1 W.L.R. 323; [1981] 1 All E.R. 853, E.A.T. **Superseded,** *Practice Direction (E.A.T.: Procedure)* [1996] I.C.R. 422, E.A.T.

Practice Direction (Judge in Chambers: Amended Procedure) [1993] 1 W.L.R. 1303; [1993] 3 All E.R. 846. **Replaced,** *Practice Direction (Judge in Chambers: Revised Procedure)* [1996] 1 W.L.R. 1432

Practice Direction (Mareva Injunctions and Anton Piller Orders) [1994] 1 W.L.R. 1233; [1994] 4 All E.R. 52. **Forms of orders superseded,** *Practice Direction (Mareva Injunctions and Anton Piller Orders: Forms)* [1996] 1 W.L.R. 1552

Practice Statement (Commercial Cases: Alternative Dispute Resolution) [1994] 1 W.L.R. 14; [1994] 1 All E.R. 34. **Considered,** *Practice Statement (Commercial Cases: Alternative Dispute Resolution) (No. 2)* [1996] 1 W.L.R. 1024

Pratt v. Attorney-General for Jamaica [1994] 2 A.C. 1; [1993] 3 W.L.R. 995; [1993] 4 All E.R. 769, P.C. **Considered,** *Henfield v. Attorney-General of the Commonwealth of The Bahamas* [1996] 3 W.L.R. 1079, P.C.

President of India v. La Pintada Compania Navigacion S.A. [1985] A.C. 104; [1984] 3 W.L.R. 10; [1984] 2 All E.R. 773, H.L.(E.). **Applied,** *Westdeutsche Landesbank Girozentrale v. Islington London Borough Council* [1996] A.C. 669; [1996] 2 W.L.R. 802, H.L.(E.)

Preston v. Coventry Co-operative Society (1946) 44 L.G.R. 60. **Distinguished,** *Roberts v. Leonard* (1995) 94 L.G.R. 285, D.C.

Price v. Strange [1978] Ch. 337; [1977] 3 W.L.R. 943; [1977] 3 All E.R. 371, C.A. **Applied,** *E. Johnson & Co. (Barbados) Ltd. v. N.S.R. Ltd.* [1996] 3 W.L.R. 583, P.C.

Probe Data Systems Ltd., *In re* (No. 3) [1992] B.C.L.C. 405, 416, C.A. **Dicta of Scott L.J. considered,** *Secretary of State for Trade and Industry v. Davies* [1996] 4 All E.R. 289, C.A.

Procaj v. Johnstone [1970] R.T.R. 49, D.C. **Distinguished,** *Smyth v. Director of Public Prosecutions* [1996] R.T.R. 59, D.C.

Procon (Great Britain) Ltd. v. Provincial Building Co. Ltd. [1984] 1 W.L.R. 557; [1984] 2 All E.R. 368, C.A. **Distinguished,** *Penny v. Penny* [1996] 1 W.L.R. 1204, C.A.

Prudential Insurance Co. v. Inland Revenue Comrs. [1904] 2 K.B. 658. **Applied,** *In re Sentinel Securities Plc.* [1996] 1 W.L.R. 316

Publishers Association v. Commission of the European Communities (No. 2) (Case T-66/89) [1992] I.C.R. 842; [1992] 4 All E.R. 70; [1992] E.C.R. II-1995, E.C.J. (C.F.I.) **Decision of the Court of First Instance reversed in part** [1996] I.C.R. 121, E.C.J.

Punjab Co-operative Bank Ltd., Amritsar v. Comr. of Income Tax, Lahore [1940] A.C. 1055. **Considered,** *Nuclear Electric Plc. v. Bradley* (1995) T.C. Leaflet No. 3452, C.A.

Purcell v. Summers (1944) 145 F. 2d. 979. **Followed,** *British Diabetic Assocation v. Diabetic Society Ltd.* [1995] 4 All E.R. 812

R.H. & D. International Ltd. v. I.A.S. Animal Air Services Ltd. [1984] 1 W.L.R. 573; [1984] 2 All E.R. 203. **Applied,** *United Carriers Ltd. v. Heritage Food Group (U.K.) Ltd.* [1996] 1 W.L.R. 371

R. v. Ahluwalia [1992] 4 All E.R. 889, C.A. **Applied,** *R. v. Thornton (No. 2)* [1996] 1 W.L.R. 1174, C.A. **Doubted,** *Luc Thiet Thuan v. The Queen* [1996] 3 W.L.R. 45, P.C.

R. v. Ambler [1976] Crim.L.R. 266, C.A. **Applied,** *R. v. Jordan (William)* [1996] R.T.R. 221, C.A.

R. v. Anderson (Keith) [1978] A.C. 964; [1978] 2 W.L.R. 994; [1978] 2 All E.R. 512; 67 Cr.App.R. 185, H.L.(E.). **Applied,** *R. v. Clark* [1996] 2 Cr.App.R. 282, C.A.

R. v. Andrews (1985) 82 Cr.App.R. 148, C.A. **Applied,** *R. v. Maloney* [1996] 2 Cr.App.R. 303, C.A.

R. v. Andrews (Donald) [1987] A.C. 281, 301; [1987] 2 W.L.R. 413; [1987] 1 All E.R. 513; 84 Cr.App.R. 382, H.L.(E.). **Dictum of Lord Ackner considered,** *R. v. Gilfoyle* [1996] 1 Cr.App.R. 302, C.A.

R. v. Aranguren (1994) 99 Cr.App.R. 347. **Applied,** *R. v. Warren* [1996] 1 Cr.App.R. 120, C.A.

R. v. Arif (1985) 7 Cr.App.R. (S) 92, C.A. **Considered,** *R. v. Patel (Rajesh)* [1995] R.T.R. 421, C.A.

R. v. Associated Octel Co. Ltd. [1995] I.C.R. 281, C.A. **Decision of the Court of Appeal affirmed on different grounds** [1996] 1 W.L.R. 1543; [1996] I.C.R. 972, H.L.(E.)

R. v. B. (1990) 91 Cr.App.R. 359. **Applied,** *R. v. Wilkinson* [1996] 1 Cr.App.R. 81, C.A.

R. v. Barnes [1995] 2 Cr.App.R. 491, C.A. **Applied,** *R. v. Grant (Richard)* [1996] 2 Cr.App.R. 272, C.A. **Distinguished,** *R. v. Trew* [1996] 2 Cr.App.R. 138, C.A.

R. v. Barnet London Borough Council, *Ex parte* Nilish Shah [1983] 2 A.C. 309; [1983] 2 W.L.R. 16; [1983] 1 All E.R. 226, H.L.(E.). **Considered,** *In re A. (Minors) (Abduction: Habitual Residence)* [1996] 1 W.L.R. 25

R. v. Beckford [1991] Crim.L.R. 833, C.A. **Distinguished,** *R. v. Myers* [1996] 2 Cr.App.R. 335, C.A.

R. v. Bedi (1991) 95 Cr.App.R. 21, C.A. **Considered,** *R. v. Foxley* [1995] 2 Cr.App.R. 523, C.A.

R. v. Bembridge (1783) 3 Doug. 327. **Applied,** *R. v. Bowden* [1996] 1 W.L.R. 98, C.A.

R. v. Blake (1844) 6 Q.B. 126. **Applied,** *R. v. Devonport* [1996] 1 Cr.App.R. 221, C.A.

R. v. Blastland [1986] A.C. 41; [1985] 3 W.L.R. 345; [1985] 2 All E.R. 1095; 81 Cr.App.R. 266, H.L.(E.). **Considered,** *R. v. Gilfoyle* [1996] 1 Cr.App.R. 302, C.A.

R. v. Boardman [1975] A.C. 421; [1974] 3 W.L.R. 673; [1974] 3 All E.R. 887, H.L.(E.). **Considered,** *R. v. Christou* [1996] 2 W.L.R. 620, H.L.(E.)

R. v. Boswell [1984] 1 W.L.R. 1047; [1984] 3 All E.R. 353; [1984] R.T.R. 315; 79 Cr.App.R. 277, C.A. **Considered,** *R. v. Vano* [1996] R.T.R. 15, C.A.

R. v. Brent London Borough Council, *Ex parte* Awua [1996] A.C. 55; [1995] 3 W.L.R. 215; [1995] 3 All E.R. 493, H.L.(E.). **Applied,** *R. v. Wandsworth London Borough Council, Ex parte Mansoor* [1996] 3 W.L.R. 282, C.A.

R. v. Brown [1995] Crim.L.R. 716, C.A. **Followed,** *R. v. Grant* [1996] 1 Cr.App.R. 73, C.A.

R. v. Brown (Anthony) [1994] 1 A.C. 212; [1993] 2 W.L.R. 556; [1993] 2 All E.R. 75, H.L.(E.). **Distinguished,** *R. v. Wilson (Alan)* [1996] 3 W.L.R. 125, C.A.

R. v. Brown (Gregory) [1994] Q.B. 547; [1994] 2 W.L.R. 673, C.A. **Decision of the Court of Appeal (Criminal Division) affirmed** [1996] A.C. 543; [1996] 2 W.L.R. 203, H.L.(E.)

R. v. Burfoot (1990) 12 Cr.App.R.(S.) 252, C.A. **Applied,** *R. v. Clark* [1996] 2 Cr.App.R. 282, C.A.

R. v. Burton-upon-Trent Justices, *Ex parte* Woolley [1995] R.T.R. 139, D.C. **Applied,** *R. v. Dolgellau Justices, Ex parte Cartledge* [1996] R.T.R. 207, D.C.

R v. Caldwell [1982] A.C. 341; [1981] 2 W.L.R. 509; [1981] 1 All E.R. 961; 73 Cr.App.R. 13, H.L.(E.). **Applied,** *R. v Merrick* [1996] 1 Cr.App.R. 130, C.A.

R. v. Callaghan (Terence) (1991) 94 Cr.App.R. 226, C.A. **Considered,** *R. v. Bird (Gary)* [1996] R.T.R. 22, C.A.

R. v. Campbell [1993] Crim.L.R. 448, C.A. **Applied,** *R. v. Myers* [1996] 2 Cr.App.R. 335, C.A.

R. v. Camplin [1978] A.C. 705; [1978] 2 W.L.R. 679; [1978] 2 All E.R. 168; 67 Cr.App.R. 14, H.L.(E.). **Followed,** *R. v. Humphreys* [1995] 4 All E.R. 1008, C.A. **Applied,** *R. v. Dryden* [1995] 4 All E.R. 987, C.A.; *Luc Thiet Thuan v. The Queen* [1996] 3 W.L.R. 45, P.C. **Considered,** *R. v. Bowen* [1996] 2 Cr.App.R. 157, C.A.

R. v. Cannon (1990) 92 Cr.App.R. 16, 23, C.A. **Dictum of Lord Lane C.J. approved,** *R. v. Christou* [1996] 2 W.L.R. 620, H.L.(E.)

R. v. Central Criminal Court, *Ex parte* Guney [1995] 1 W.L.R. 576; [1995] 2 All E.R. 577, C.A. **Decision of the Court of Appeal affirmed** [1996] A.C. 616; [1996] 2 W.L.R. 675, H.L.(E.)

R. v. Central Independent Television Plc. [1994] Fam. 192; [1994] 3 W.L.R. 20; [1994] 3 All E.R. 641, C.A. **Applied,** *In re Z (A Minor) (Identification: Restrictions on Publication)* [1996] 2 W.L.R. 88, C.A.

R. v. Chan-Fook [1994] 1 W.L.R. 689; [1994] 2 All E.R. 552, C.A. **Applied,** *R. v. Ireland* [1996] 3 W.L.R. 650, C.A.

R. v. Cheltenham Justices, *Ex parte* Secretary of State for Trade [1977] 1 W.L.R. 95; [1977] 1 All E.R. 460, D.C. **Applied,** *R. v. Reading Justices, Ex parte Berkshire County Council* [1996] 1 Cr.App.R. 239, D.C.; *In re Ronald A. Prior & Co. (Solicitors)* [1996] 1 Cr.App.R. 248, C.A.

R. v. Cheshire [1991] 1 W.L.R. 844; [1991] 3 All E.R. 670; 93 Cr.App.R. 251, C.A. **Applied,** *R. v. Mellor* [1996] 2 Cr.App.R. 245, C.A.

R. v. Cheshire Justices, *Ex parte* Sinnott [1995] R.T.R. 281, D.C. **Distinguished,** *R. v. Dolgellau Justices, Ex parte Cartledge* [1996] R.T.R. 207, D.C.

R. v. Churchill (No. 2) [1967] 2 A.C. 224, 236; [1967] 2 W.L.R. 682; [1967] 1 All E.R. 497, H.L.(E.). **Dicta of Viscount Dilhorne applied,** *Attorney-General's Reference (No. 1 of 1995)* [1996] 1 W.L.R. 970, C.A.

R. v. Civil Service Appeal Board, *Ex parte* Cunningham [1992] I.C.R. 816; [1991] 4 All E.R. 310, C.A. **Considered,** *R. v. Secretary of State for Transport, Ex parte Richmond-upon-Thames London Borough Council (No. 4)* [1996] 1 W.L.R. 1005

R. v. Clowes [1992] 3 All E.R. 440; 95 Cr.App.R. 440. **Applied,** *R. v. Reading Justices, Ex parte Berkshire County Council* [1996] 1 Cr.App.R. 239, D.C.

R. v. Cole [1990] 1 W.L.R. 866; [1990] 2 All E.R. 108; 90 Cr.App.R. 478, C.A. **Applied,** *R. v. Dragic* [1996] 2 Cr.App.R. 232, C.A.

R. v. Cook [1996] R.T.R. 304, C.A. **Explained,** *R. v. Shoult* [1996] R.T.R. 298, C.A.

R. v. Cooke (Gary) (1986) 84 Cr.App.R. 286, C.A. **Applied,** *R. v. D.* [1996] Q.B. 283; [1996] 2 W.L.R. 1, C.A.

R. v. Costen (1989) 11 Cr.App.R.(S.) 182, C.A. **Applied,** *R. v. Hastings* [1996] R.T.R. 331, C.A.

R. v. Coulburn (1987) 87 Cr.App.R. 309, C.A. **Applied,** *R. v. Sheldon* [1996] 2 Cr.App.R. 50, C.A.

R. v. Courtnell [1990] Crim.L.R. 115. **Applied,** *R. v. Cape* [1996] 1 Cr.App.R. 191, C.A.

R. v. Criminal Injuries Compensation Board, *Ex parte* Gambles [1994] P.I.Q.R. P314. **Overruled,** *R. v. Criminal Injuries Compensation Board, Ex parte Cook* [1996] 1 W.L.R. 1037, C.A.

R. v. Criminal Injuries Compensation Board, *Ex parte* Thompstone [1984] 1 W.L.R. 1234; [1984] 3 All E.R. 572, C.A. **Applied,** *R. v. Criminal Injuries Compensation Board, Ex parte Cook* [1996] 1 W.L.R. 1037, C.A.

R v. Croydon London Borough, *Ex parte* Graham (1993) 26 H.L.R. 286, 292. **Dictum of Steyn L.J. applied,** *R. v. Westminster City Council, Ex parte Ermakov* [1996] 2 All E.R. 302, C.A.

R. v. Danger (1857) 7 Cox C.C. 303. **Applied,** *R. v. Preddy* [1996] A.C. 815; [1996] 3 W.L.R. 255, H.L.(E.)

R. v. Dehar [1969] N.Z.L.R. 763, 765. **Dictum of North P. considered,** *R. v. Lesley* [1996] 1 Cr.App.R. 39, C.A.

R. v. Department of Health, *Ex parte* Gandhi [1991] 1 W.L.R. 1053; [1991] I.C.R. 805; [1991] 4 All E.R. 547, D.C. **Applied,** *Khan v. General Medical Council* [1996] I.C.R. 1032, C.A.

R. v. Deputy Governor of Parkhurst Prison, *Ex parte* Hague [1992] 1 A.C. 58; [1991] 3 W.L.R. 340; [1991] 3 All E.R. 733, H.L.(E.). **Applied,** *Stovin v. Wise* [1996] A.C. 923; [1996] 3 W.L.R. 388, H.L.(E.)

R. v. Derby Magistrates' Court, *Ex parte* B. [1996] A.C. 487; [1995] 3 W.L.R. 681; [1995] 4 All E.R. 526, H.L.(E.). **Distinguished,** *In re L. (A Minor) (Police Investigation: Privilege)* [1996] 2 W.L.R. 395, H.L.(E.)

R. v. Dhillon [1992] Crim. L.R. 889, C.A. **Followed,** *R. v. Mensah-Lartey* [1996] 1 Cr.App.R. 143, C.A.

R. v. Dillon [1984] R.T.R. 270, C.A. **Applied,** *R. v. Jordan (William)* [1996] R.T.R. 221, C.A.

R. v. Donat (1985) 82 Cr.App.R. 173, C.A. **Applied,** *R. v. Devonport* [1996] 1 Cr.App.R. 221, C.A.

R. v. Donovan [1934] 2 K.B. 498, C.C.A. **Distinguished,** *R. v. Wilson (Alan)* [1996] 3 W.L.R. 125, C.A.

R. v. Downey [1995] 1 Cr.App.R. 547, C.A. **Followed,** *R. v. Barnes* [1995] 2 Cr.App.R. 491, C.A. **Applied,** *R. v. Grant (Richard)* [1996] 2 Cr.App.R. 272, C.A. **Distinguished,** *R. v. Trew* [1996] 2 Cr.App.R. 138, C.A.

R. v. Dryden [1995] 4 All E.R. 987, C.A. **Followed,** *R. v. Humphreys* [1995] 4 All E.R. 1008, C.A. **Doubted,** *Luc Thiet Thuan v. The Queen* [1996] 3 W.L.R. 45, P.C.

R. v. Dudley Justices, *Ex parte* Gillard [1986] A.C. 442; [1985] 3 W.L.R. 936; [1985] 3 All E.R. 634, H.L.(E.). **Considered,** *R. v. Horseferry Road Magistrates' Court, Ex parte K.* [1996] 3 W.L.R. 68, D.C.

R. v. Dudley Magistrates' Court, *Ex parte* Power City Stores Ltd. (1990) 154 J.P. 654, D.C. **Applied,** *Wraith v. Sheffield Forgemasters Ltd.* [1996] 1 W.L.R. 617

R. v. Duru [1974] 1 W.L.R. 2; [1973] 3 All E.R. 715, C.A. **Overruled,** *R. v. Preddy* [1996] A.C. 815; [1996] 3 W.L.R. 255, H.L.(E.)

R. v. Dutton [1994] Crim.L.R. 910, C.A. **Considered,** *R. v. E.* [1996] 1 Cr.App.R. 88, C.A.

R. v. Edwards [1991] 1 W.L.R. 207; [1991] 2 All E.R. 266; 93 Cr.App.R. 48, C.A. **Applied,** *R. v. D.* [1996] Q.B. 283; [1996] 2 W.L.R. 1, C.A.

R. v. Ellis (1973) 57 Cr.App.R. 571, C.A. **Applied,** *R. v. O'Donnell* [1996] 1 Cr.App.R. 286, C.A.

R. v. Epping Justices, *Ex parte* Quy [1993] Crim.L.R. 970, D.C. **Applied,** *Wade v. Director of Public Prosecutions* [1996] R.T.R. 177, D.C.

R. v. Fergus (1993) 98 Cr.App.R. 313, C.A. **Considered,** *R. v. Pattinson* [1996] 1 Cr.App.R. 51, C.A.

R. v. Foote [1993] R.T.R. 171; 94 Cr.App.R. 82, C.A. **Distinguished,** *R. v. Bird (Gary)* [1996] R.T.R. 22, C.A.

R. v. French (1993) 97 Cr.App.R. 421, C.A. **Considered,** *R. v. Dragic* [1996] 2 Cr.App.R. 232, C.A.

R. v. Garlick (1958) 42 Cr.App.R. 141, C.A. **Distinguished,** *R. v. Smith (Wallace Duncan)* [1996] 2 Cr.App.R. 1, C.A.

R. v. Gee [1936] 2 K.B. 442; 25 Cr.App.R. 198. **Distinguished,** *R. v. Wrench* [1996] 1 Cr.App.R. 340, C.A.

R. v. General Council of Medical Education and Registration of the United Kingdom [1930] 1 K.B. 562, 569, C.A. **Dictum of Scrutton L.J. considered,** *McCandless v. General Medical Council* [1996] 1 W.L.R. 167, P.C.

R. v. Gold [1988] A.C. 1063, 1072–1073; [1988] 2 W.L.R. 984; [1988] 2 All E.R. 186, H.L.(E.). **Dictum of Lord Brandon of Oakbrook applied,** *R. v. Governor of Brixton Prison, Ex parte Levin* [1996] 3 W.L.R. 657, D.C.

R. v. Goodway [1993] 4 All E.R. 894; 98 Cr.App.R. 11, 15, C.A. **Considered,** *R. v. Burge* [1996] 1 Cr.App.R. 163, C.A. **Dictum of Lord Taylor C.J. considered,** *R. v. Lesley* [1996] 1 Cr.App.R. 39, C.A.

R v. Gordon (Stafford) [1995] 2 Cr.App.R. 61, C.A. **Followed,** *R. v. Grant* [1996] 1 Cr.App.R. 73, C.A.

R. v. Gough [1993] A.C. 646; [1993] 2 W.L.R. 883; [1993] 2 All E.R. 724; 97 Cr.App.R. 188, H.L.(E.). **Considered,** *R. v. Hereford and Worcester County Council, Ex parte Wellington Parish Council* (1995) 94 L.G.R. 159. **Distinguished,** *Eves v. Hambros Bank (Jersey) Ltd.* [1996] 1 W.L.R. 251, P.C.

R. v. Governor of Belmarsh Prison, *Ex parte* Francis [1995] 1 W.L.R. 1121; [1995] 3 All E.R. 634, D.C. **Doubted,** *R. v. Governor of Brixton Prison, Ex parte Levin* [1996] 3 W.L.R. 657, D.C.

R. v. Governor of Brixton Prison, *Ex parte* Schtraks [1964] A.C. 556; [1962] 3 W.L.R. 1013; [1962] 3 All E.R. 529, H.L.(E.). **Applied,** *T. v. Secretary of State for the Home Department* [1996] A.C. 742; [1996] 2 W.L.R. 766, H.L.(E.)

R. v. Governor of Durham Prison, *Ex parte* Hardial Singh [1984] 1 W.L.R. 704; [1984] 1 All E.R. 983. **Applied,** *Tan Te Lam v. Superintendent of Tai A Chau Detention Centre* [1996] 2 W.L.R. 863, P.C.

R. v. Governor of Lewes Prison, *Ex parte* Doyle [1917] 2 K.B. 254, 269, D.C. **Dictum of Viscount Reading C.J. considered,** *R. v. Oldham Justices, Ex parte Cawley* [1996] 2 W.L.R. 681, D.C.

R. v. Governor of Pentonville Prison, *Ex parte* Cheng [1973] A.C. 931; [1973] 2 W.L.R. 746; [1973] 2 All E.R. 204, H.L.(E.). **Applied,** *T. v. Secretary of State for the Home Department* [1996] A.C. 742; [1996] 2 W.L.R. 766, H.L.(E.)

R. v. Governor of Pentonville Prison, *Ex parte* Osman [1990] 1 W.L.R. 277; [1989] 3 All E.R. 701, D.C. **Distinguished,** *R. v. Governor of Brixton Prison, Ex parte Levin* [1996] 3 W.L.R. 657, D.C.

R. v. Governor of Winson Green Prison, Birmingham, *Ex parte* Littlejohn [1975] 1 W.L.R. 893; [1975] 3 All E.R. 208, D.C. **Applied,** *T. v. Secretary of State for the Home Department* [1996] 2 W.L.R. 766, H.L.(E.)

R. v. Grantham [1984] Q.B. 675; [1984] 2 W.L.R. 815; [1984] 3 All E.R. 166; 79 Cr.App.R. 86, C.A. **Applied,** *R. v. Smith (Wallace Duncan)* [1996] 2 Cr.App.R. 1, C.A.

R. v. Hammersmith Juvenile Court, *Ex parte* O. (1987) 86 Cr.App.R. 343, D.C. **Not followed,** *R. v. Horseferry Road Magistrates' Court, Ex parte K.* [1996] 3 W.L.R. 68, D.C.

R. v. Hegarty [1994] Crim.L.R. 353, C.A. **Considered,** *R. v. Bowen* [1996] 2 Cr.App.R. 157, C.A.

R. v. Higher Education Funding Council, *Ex parte* Institute of Dental Surgery [1994] 1 W.L.R. 242, 263; [1994] 1 All E.R. 651, D.C. **Dicta of Sedley J. considered,** *R. v. Kensington and Chelsea Royal London Borough Council, Ex parte Grillo* (1995) 94 L.G.R. 144, C.A.

R. v. Hill (Valerie) (1988) 89 Cr.App.R. 74, C.A. **Considered,** *R. v. Pommell* [1995] 2 Cr.App.R. 607, C.A.

R. v. Horne [1994] Crim.L.R. 584, C.A. **Considered,** *R. v. Bowen* [1996] 2 Cr.App.R. 157, C.A.

R. v. Horseferry Road Magistrates' Court, *Ex parte* Bennett [1994] 1 A.C. 42; [1993] 3 W.L.R. 90; [1993] 3 All E.R. 138, H.L.(E.). **Applied,** *R. v. Latif* [1996] 1 W.L.R. 104, H.L.(E.)

R. v. Hull University Visitor, *Ex parte* Page [1993] A.C. 682; [1992] 3 W.L.R. 1112; [1993] I.C.R. 114; [1993] 1 All E.R. 97, H.L.(E.). **Considered,** *R. v. Bedwellty Justices, Ex parte Williams* [1996] 3 W.L.R. 361, H.L.(E.)

R. v. Humphreys [1995] 4 All E.R. 1008, C.A. **Applied,** *R. v. Thornton (No. 2)* [1996] 1 W.L.R. 1174, C.A. **Doubted,** *Luc Thiet Thuan v. The Queen* [1996] 3 W.L.R. 45, P.C.

R. v. Hurst [1995] 1 Cr.App.R. 82, C.A. **Considered,** *R. v. Bowen* [1996] 2 Cr.App.R. 157, C.A.

R. v. Hyde [1991] 1 Q.B. 134; [1990] 3 W.L.R. 1115; [1990] 3 All E.R. 892; 92 Cr.App.R. 131, C.A. **Distinguished,** *R. v. Powell (Anthony)* [1996] 1 Cr.App.R. 14, C.A.

R. v. Income Tax Special Comrs., *Ex parte* Elmhirst [1936] 1 K.B. 487; 20 T.C. 381, C.A. **Considered,** *Glaxo Group Ltd. v. Inland Revenue Comrs.* [1995] T.C. Leaflet No. 3470

R. v. Inland Revenue Comrs., *Ex parte* Chisholm [1981] 2 All E.R. 602; 54 T.C. 722. **Followed,** *R. v. Inland Revenue Comrs., Ex parte McVeigh* (1995) T.C. Leaflet No. 3459

R. v. Inland Revenue Comrs., *Ex parte* Preston [1985] A.C. 835; [1985] 2 W.L.R. 836; [1985] 2 All E.R. 327, H.L.(E.). **Applied,** *Harley Development Inc. v. Comr. of Inland Revenue* [1996] 1 W.L.R. 727, P.C.

R. v. Inman [1967] 1 Q.B. 140; [1966] 3 W.L.R. 567; [1966] 3 All E.R. 414; 50 Cr.App.R. 247, C.A. **Distinguished,** *R. v. Smith (Wallace Duncan)* [1996] 2 Cr.App.R. 1, C.A.

R. v. Jockey Club, *Ex parte* R.A.M. Racecourse Ltd. [1993] 2 All E.R. 225, D.C. **Considered,** *R. v. Lambeth London Borough Council, Ex parte M.* (1995) 94 L.G.R. 122

R. v. K. (T.D.) (1992) 97 Cr.App.R. 342, C.A. **Considered,** *In re Ronald A. Prior & Co. (Solicitors)* [1996] 1 Cr.App.R. 248, C.A.

R. v. Keane [1994] 1 W.L.R. 746; [1994] 2 All E.R. 478; 99 Cr.App.R. 1, C.A. **Applied,** *R. v. van Tattenhove* [1996] 1 Cr.App.R. 408, C.A.

R. v. Kemp [1988] Q.B. 645; [1988] 2 W.L.R. 975; 87 Cr.App.R. 95, C.A. **Distinguished,** *R. v. Smith (Wallace Duncan)* [1996] 2 Cr.App.R. 1, C.A.

R. v. Kensington and Chelsea Royal Borough Council, *Ex parte* Amarfio (1994) 26 H.L.R. 721. **Decision of Sir Louis Blom-Cooper affirmed** (1995) 94 L.G.R. 99, C.A.

R. v. Khan (Sultan) [1995] Q.B. 27; [1994] 3 W.L.R. 899; [1994] 4 All E.R. 426, C.A. **Decision of the Court of Appeal (Criminal Division) affirmed** [1996] 3 W.L.R. 162, H.L.(E.)

R. v. King's Lynn Justices, *Ex parte* Holland [1993] 1 W.L.R. 324; [1993] 2 All E.R. 377, D.C. **Applied,** *R. v. Governor of Brixton Prison, Ex parte Levin* [1996] 3 W.L.R. 657, D.C.

R. v. Knuller (Publishing, Printing and Promotions) Ltd. [1973] A.C. 435, 493, 494; [1972] 3 W.L.R. 143; [1972] 2 All E.R. 898; 56 Cr.App.R. 633, H.L.(E.). **Dicta of Lord Simon of Glaisdale considered,** *R. v. Walker* [1996] 1 Cr.App.R. 111, C.A.

R. v. Lancashire County Council, *Ex parte* M. [1989] 2 F.L.R. 279; 87 L.G.R. 567, D.C. and C.A. **Considered,** *R. v. Lambeth London Borough Council, Ex parte M.* (1995) 94 L.G.R. 122

R. v. Latif [1995] 1 Cr.App.R. 270, C.A. **Decision of the Court of Appeal (Criminal Division) affirmed on different grounds** [1996] 1 W.L.R. 104, H.L.(E.)

R. v. Lattimore (1975) 62 Cr.App.R. 53, C.A. **Considered,** *R. v. D.* [1996] Q.B. 283; [1996] 2 W.L.R. 1, C.A.

R. v. Lawrence (Justin) [1990] R.T.R. 45, C.A. **Applied,** *R. v. Jordan (William)* [1996] R.T.R. 221, C.A.

R. v. Lawrence (Stephen) [1982] A.C. 510; [1981] 2 W.L.R. 524; [1981] 1 All E.R. 974; [1981] R.T.R. 217; 73 Cr.App.R. 1, H.L.(E.). **Applied,** *R. v. Merrick* [1996] 1 Cr.App.R. 130, C.A.

R. v. Leon [1945] K.B. 136; [1945] 1 All E.R. 14; 30 Cr.App.R. 120, C.C.A. **Distinguished,** *R. v. Smith (Wallace Duncan)* [1996] 2 Cr.App.R. 1, C.A.

R. v. Liverpool City Council, *Ex parte* Muldoon (1995) 94 L.G.R. 1, C.A. **Decision of the Court of Appeal affirmed** [1996] 1 W.L.R. 1103, H.L.(E.)

R. v. Lloyd [1985] Q.B. 829; [1985] 3 W.L.R. 30; [1985] 2 All E.R. 661; 81 Cr.App.R. 182, C.A. **Considered,** *R. v. Fernandes* [1996] 1 Cr.App.R. 175, C.A.

R. v. Lockley [1995] 2 Cr.App.R. 554, C.A. **Considered,** *R. v. Dragic* [1996] 2 Cr.App.R. 232, C.A.

R. v. London Borough of Lambeth, *Ex parte* Walters (1993) 26 H.L.R. 170. **Overruled,** *R. v. Kensington and Chelsea Royal London Borough Council, Ex parte Grillo* (1995) 94 L.G.R. 144, C.A.

R. v. McAllister [1974] R.T.R. 408; 59 Cr.App.R. 7, C.A. **Applied,** *Smyth v. Director of Public Prosecutions* [1996] R.T.R. 59, D.C.

R. v. McBride [1962] 2 Q.B. 167; [1961] 3 W.L.R. 549; [1961] 3 All E.R. 6, C.C.A. **Applied,** *R. v. Millington* [1996] R.T.R. 80, C.A.

R. v. McGranaghan (Note) [1995] 1 Cr.App.R. 559, C.A. **Doubted,** *R. v. Grant (Richard)* [1996] 2 Cr.App.R. 272, C.A. **Distinguished,** *R. v. Barnes* [1995] 2 Cr.App.R. 491, C.A.

R. v. McGregor [1962] N.Z.L.R. 1069, 1081. **Dictum of North J. applied,** *R. v. Dryden* [1995] 4 All E.R. 987, C.A.

R. v. Machin [1980] 1 W.L.R. 763; [1980] 3 All E.R. 151, C.A. **Applied,** *R. v. Headley* [1996] R.T.R. 173, C.A.

R. v. MacLean (No. 1) (1979) 49 C.C.C. (2d) 399. **Applied,** *R. v. Welstead* [1996] 1 Cr.App.R. 59, C.A.

R. v. Managers of South Western Hospital, *Ex parte* M. [1993] Q.B. 683, 700; [1993] 3 W.L.R. 376; [1994] 1 All E.R. 161. **Dicta of Laws J. disapproved,** *In re S.-C. (Mental Patient: Habeas Corpus)* [1996] Q.B. 599; [1996] 2 W.L.R. 146, C.A.

R. v. Mara [1987] 1 W.L.R. 87, 90–91; [1987] I.C.R. 165; [1987] 1 All E.R. 478, C.A. **Dicta of Parker L.J. approved,** *R. v. Associated Octel Co. Ltd.* [1996] 1 W.L.R. 1543; [1996] I.C.R. 972, H.L.(E.)

R. v. Marsh (1935) 25 Cr.App.R. 49, C.C.A. **Applied,** *Wu Chun-piu v. The Queen* [1996] 1 W.L.R. 1113, P.C.

R. v. Martin (Colin) [1989] 1 All E.R. 652; [1989] R.T.R. 63; 88 Cr.App.R. 343, C.A. **Distinguished,** *R. v. Pommell* [1995] 2 Cr.App.R. 607, C.A.

R. v. Mayling [1963] 2 Q.B. 717; [1963] 2 W.L.R. 709; [1963] 1 All E.R. 687, C.C.A. **Explained,** *R. v. Walker* [1996] 1 Cr.App.R. 111, C.A.

R. v. Mills (1979) 68 Cr.App.R. 154, C.A. **Considered,** *R. v. Clark* [1996] 2 Cr.App.R. 282, C.A.

R. v. Millward [1994] Crim.L.R. 527, C.A. **Distinguished,** *R. v. Loukes* [1996] R.T.R. 164, C.A.

R. v. Ministry of Defence, *Ex parte* Smith [1996] Q.B. 517; [1996] 2 W.L.R. 305; [1996] I.C.R. 740; [1996] 1 All E.R. 257, C.A. **Applied,** *Smith v. Gardner Merchant Ltd.* [1996] I.C.R. 790, E.A.T.

R. v. Minors [1989] 1 W.L.R. 441; [1989] 2 All E.R. 208; 89 Cr.App.R. 102, C.A. **Considered,** *R. v. Foxley* [1995] 2 Cr.App.R. 523, C.A.

R. v. Mitchell [1983] Q.B. 741; [1983] 2 W.L.R. 938; [1983] 2 All E.R. 427, C.A. **Considered,** *Attorney-General's Reference (No. 3 of 1994)* [1996] Q.B. 581; [1996] 2 W.L.R. 412, C.A.

R. v. Moore [1992] Crim.L.R. 882, C.A. **Considered,** *R. v. Dragic* [1996] 2 Cr.App.R. 232, C.A.

R. v. Morhall [1993] 4 All E.R. 888; 98 Cr.App.R. 108, C.A. **Followed,** *R. v. Humphreys* [1995] 4 All E.R. 1008, C.A.

R. v. Morhall [1996] 1 A.C. 90; [1995] 3 W.L.R. 330; [1995] 3 All E.R. 659, H.L.(E.). **Applied,** *Luc Thiet Thuan v. The Queen* [1996] 3 W.L.R. 45, P.C.; *R. v. Thornton (No. 2)* [1996] 1 W.L.R. 1174, C.A. **Considered,** *R. v. Bowen* [1996] 2 Cr.App.R. 157, C.A.

R. v. Morris [1995] 2 Cr.App.R. 69, C.A. **Followed,** *R. v. Grant* [1996] 1 Cr.App.R. 73, C.A.

R. v. Neale (Paul) (1977) 65 Cr.App.R. 304, D.C. **Applied,** *R. v. Thompson* [1995] 2 Cr.App.R. 589, C.A.

R. v. Newell (1980) 71 Cr.App.R. 331, C.A. **Doubted,** *Luc Thiet Thuan v. The Queen* [1996] 3 W.L.R. 45, P.C.

R. v. Newham Juvenile Court, *Ex parte* F. (A Minor) [1986] 1 W.L.R. 939; [1986] 3 All E.R. 17, D.C. **Doubted,** *R. v. Horseferry Road Magistrates' Court, Ex parte K.* [1996] 3 W.L.R. 68, D.C.

R. v. Northampton Borough Council, *Ex parte* Carpenter (1992) 25 H.L.R. 349, 356. **Dictum of Rose J. approved,** *R. v. Westminster City Council, Ex parte Ermakov* [1996] 2 All E.R. 302, C.A.

R. v. Oliva [1965] 1 W.L.R. 1028; [1965] 3 All E.R. 116, C.C.A. **Applied,** *R. v. Haringey Justices, Ex parte Director of Public Prosecutions* [1996] Q.B. 351; [1996] 2 W.L.R. 114, D.C.

R. v. Oxford City Justices, *Ex parte* Berry [1988] Q.B. 507; [1987] 3 W.L.R. 643; [1987] 1 All E.R. 1244, D.C. **Considered,** *R. v. Bedwellty Justices, Ex parte Williams* [1996] 3 W.L.R. 361, H.L.(E.)

R. v. Pagett (1983) 76 Cr.App.R. 279, C.A. **Applied,** *R. v. Mellor* [1996] 2 Cr.App.R. 245, C.A.

R. v. Parmenter [1992] 1 A.C. 699; [1991] 3 W.L.R. 914; [1991] 4 All E.R. 698, H.L.(E.). **Applied,** *R. v. Ireland* [1996] 3 W.L.R. 650, C.A.

R. v. Penman (1985) 82 Cr.App.R. 44, C.A. **Disapproved,** *R. v. Lesley* [1996] 1 Cr.App.R. 39, C.A.

R. v. Peterborough Magistrates' Court, *Ex parte* Willis [1987] 151 J.P. 785. **Applied,** *R. v. Reading Justices, Ex parte Berkshire County Council* [1996] 1 Cr.App.R. 239, D.C.

R. v. Preddy [1995] Crim.L.R. 564, C.A. **Decision of the Court of Appeal (Criminal Division) reversed** [1996] A.C. 815; [1996] 3 W.L.R. 255, H.L.(E.)

R. v. Price [1991] Crim.L.R. 707, C.A. **Considered,** *R. v. Dragic* [1996] 2 Cr.App.R. 232, C.A.

R. v. Putnam (1991) 93 Cr.App.R. 281, C.A. **Applied,** *R. v. Thorpe*]1996] 1 Cr.App.R. 269, C.A.

R. v. Rawlings (Practice Note) [1995] 1 W.L.R. 178; [1995] 2 Cr.App.R. 222, C.A. **Applied,** *R. v. Welstead* [1996] 1 Cr.App.R. 59, C.A.; *R. v. M.* [1996] 2 Cr.App.R. 56, C.A.

R. v. Rayner [1995] R.T.R. 119, C.A. **Applied,** *R. v. Tazikes* [1995] R.T.R. 413, C.A.

R. v. Reid (Barry) (1975) 62 Cr.App.R. 109, C.A. **Considered,** *R. v. Perman* [1996] 1 Cr.App.R. 24, C.A. **Distinguished,** *R. v. Powell (Anthony)* [1996] 1 Cr.App.R. 14, C.A.

R. v. Richman [1982] Crim.L.R. 507. **Considered,** *R. v. Shortland* [1996] 1 Cr.App.R. 116, C.A.

R. v. Richmond upon Thames London Borough Council, *Ex parte* McCarthy & Stone (Developments) Ltd. [1992] 2 A.C. 48; [1991] 3 W.L.R. 941; [1991] 4 All E.R. 897, H.L.(E.). **Applied,** *Crédit Suisse v. Allerdale Borough Council* [1996] 3 W.L.R. 894, C.A.

R. v. Rose (Newton) [1982] A.C. 822; [1982] 3 W.L.R. 192; [1982] 2 All E.R. 731; 75 Cr.App.R. 322, H.L.(E.). **Applied,** *R. v. O'Donnell* [1996] 1 Cr.App.R. 286, C.A.

R. v. Rowson [1986] Q.B. 174; [1985] 3 W.L.R. 99; [1985] 2 All E.R. 539; 80 Cr.App.R. 218, C.A. **Applied,** *R. v. Myers* [1996] 2 Cr.App.R. 335, C.A.

R. v. Russell [1984] Crim.L.R. 425, C.A. **Considered,** *R. v. Aylott* [1996] 2 Cr.App.R. 169, C.A.

R. v. Russell-Jones [1995] 1 Cr.App.R. 538, C.A. **Applied,** *R. v. Haringey Justices, Ex parte Director of Public Prosecutions* [1996] Q.B. 351; [1996] 2 W.L.R. 114, D.C.

R. v. St. Helens Magistrates' Court, *Ex parte* Critchley (1987) 152 J.P. 102, D.C. **Considered,** *R. v. Horseferry Road Magistrates' Court, Ex parte K.* [1996] 3 W.L.R. 68, D.C.

R. v. Sang [1980] A.C. 402; [1979] 3 W.L.R. 263; [1979] 2 All E.R. 1222, H.L.(E.). **Applied,** *R. v. Khan (Sultan)* [1996] 3 W.L.R. 162, H.L.(E.)

R. v. Sawyer (1980) 71 Cr.App.R. 283, C.A. **Applied,** *R. v. Thorpe* [1996] 1 Cr.App.R. 269, C.A.

R. v. Scarlett [1993] 4 All E.R. 629; 98 Cr.App.R. 290, C.A. **Considered,** *R. v. Owino* [1996] 2 Cr.App.R. 128, C.A.

R. v. Secretary of State for Employment, *Ex parte* Equal Opportunities Commission [1995] 1 A.C. 1, 32; [1994] 2 W.L.R. 409; [1994] I.C.R. 317; [1994] 1 All E.R. 910, H.L.(E.). **Dicta of Lord Keith of Kinkel applied,** *Secretary of State for Employment v. Mann* [1996] I.C.R. 197, E.A.T.

R. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1995] I.C.R. 889, C.A. **Considered,** *R. v. Secretary of State for Trade and Industry, Ex parte Unison* [1996] I.C.R. 1003, D.C.

R. v. Secretary of State for Social Security, *Ex parte* Britnell [1991] 1 W.L.R. 198; [1991] 2 All E.R. 726, H.L.(E.). **Considered,** *Evans v. Waverley Borough Council* (1995) 94 L.G.R. 227, C.A.

R. v. Secretary of State for Social Security, *Ex parte* Smithson (Case C-243/90) [1992] E.C.R. I-467, 489, paras. 12 and 14, E.C.J. **Applied,** *R. v. Secretary of State for Health, Ex parte Richardson* (Case C-137/94) [1996] I.C.R. 471, E.C.J.

R. v. Secretary of State for the Environment, *Ex parte* Lancashire County Council (1994) 93 L.G.R. 29. **Considered,** *Evans v. Waverley Borough Council* (1995) 94 L.G.R. 227, C.A.

R. v. Secretary of State for the Home Department, *Ex parte* Abdi [1994] Imm.A.R. 402, C.A. **Decision of the Court of Appeal affirmed** [1996] 1 W.L.R. 298, H.L.(E.)

R. v. Secretary of State for the Home Department, *Ex parte* Bagga [1991] 1 Q.B. 485; [1990] 3 W.L.R. 1013; [1991] 1 All E.R. 777, C.A. **Applied,** *Ahmed v. Government of the Kingdom of Saudi Arabia* [1996] I.C.R. 25, C.A.

R. v. Secretary of State for the Home Department, *Ex parte* Bentley [1994] Q.B. 349; [1994] 2 W.L.R. 101; [1993] 4 All E.R. 442, D.C. **Distinguished,** *Reckley v. Minister of Public Safety and Immigration (No. 2)* [1996] A.C. 527; [1996] 2 W.L.R. 281, P.C.

R. v. Secretary of State for the Home Department, *Ex parte* Brind [1991] 1 A.C. 696; [1991] 2 W.L.R. 588; [1991] 1 All E.R. 720, H.L.(E.). **Considered,** *R. v. Ministry of Defence, Ex parte Smith* [1996] Q.B. 517; [1996] 2 W.L.R. 305; [1996] I.C.R. 740, D.C. and C.A.

R. v. Secretary of State for the Home Department, *Ex parte* Bugdaycay [1987] A.C. 514; [1987] 2 W.L.R. 606; [1987] 1 All E.R. 940, H.L.(E.). **Considered,** *R. v. Ministry of Defence, Ex parte Smith* [1996] Q.B. 517; [1996] 2 W.L.R. 305; [1996] I.C.R. 740, D.C. and C.A.; *R. v. Secretary of State for the Home Department, Ex parte Onibiyo* [1996] Q.B. 768; [1996] 2 W.L.R. 490, C.A. **Distinguished,** *Tan Te Lam v. Superintendent of Tai A Chau Detention Centre* [1996] 2 W.L.R. 863, P.C.

R. v. Secretary of State for the Home Department, *Ex parte* Cheblak [1991] 1 W.L.R. 890; [1991] 2 All E.R. 319, C.A. **Applied,** *R. v. Oldham Justices, Ex parte Cawley* [1996] 2 W.L.R. 681, D.C.

R. v. Secretary of State for the Home Department, *Ex parte* Doody [1994] 1 A.C. 531, 556; [1993] 3 W.L.R. 154; [1993] 3 All E.R. 92, H.L.(E.). **Applied,** *R. v. Kensington and Chelsea Royal London Borough Council, Ex parte Grillo* (1995) 94 L.G.R. 144; *R. v. Secretary of State for the Home Department, Ex parte Pierson* [1996] 3 W.L.R. 547, C.A. **Dictum of Lord Mustill applied,** *Reckley v. Minister of Public Safety and Immigration (No. 2)* [1996] A.C. 527; [1996] 2 W.L.R. 281, P.C.

R. v. Secretary of State for the Home Department, *Ex parte* Khawaja [1984] A.C. 74; [1983] 2 W.L.R. 321; [1983] 1 All E.R. 765, H.L.(E.). **Applied,** *Tan Te Lam v. Superintendent of Tai A Chau Detention Centre* [1996] 2 W.L.R. 863, P.C. **Considered,** *R. v. Secretary of State for the Home Department, Ex parte Onibiyo* [1996] Q.B. 768; [1996] 2 W.L.R. 490, C.A.

R. v. Secretary of State for the Home Department, *Ex parte* Muboyayi [1992] Q.B. 244; [1991] 3 W.L.R. 442; [1991] 4 All E.R. 72, C.A. **Applied,** *R. v. Oldham Justices, Ex parte Cawley* [1996] 2 W.L.R. 681, D.C. **Distinguished,** *In re S.-C. (Mental Patient: Habeas Corpus)* [1996] Q.B. 599; [1996] 2 W.L.R. 146, C.A.

R. v. Secretary of State for Transport, *Ex parte* Richmond-upon-Thames London Borough Council (No. 4) [1996] 1 W.L.R. 1005; [1996] 4 All E.R. 93. **Decision of Jowitt J. affirmed** [1996] 1 W.L.R. 1460, C.A.

R. v. Seillon [1982] Crim.L.R. 676, C.A. **Applied,** *R. v. Smith (Wallace Duncan)* [1996] 2 Cr.App.R. 1, C.A.

R. v. Sekhon (1986) 85 Cr.App.R. 19, C.A. **Considered,** *R. v. Welstead* [1996] 1 Cr.App.R. 59, C.A.

R. v. Sevenoaks District Council, *Ex parte* Terry [1985] 3 All E.R. 226. **Considered,** *R. v. Hereford and Worcester County Council, Ex parte Wellington Parish Council* (1995) 94 L.G.R. 159

R. v. Shephard [1993] A.C. 380; [1993] 2 W.L.R. 102; [1993] 1 All E.R. 225; 96 Cr.App.R. 345, H.L.(E.). **Applied,** *East West Transport Ltd. v. Director of Public Prosecutions* [1996] R.T.R. 184, D.C.

R. v. Shepherd [1994] 1 W.L.R. 530; [1994] 2 All E.R. 242; [1994] R.T.R. 49; 99 Cr.App.R. 39, C.A. **Applied,** *R. v. Taziker* [1995] R.T.R. 413, C.A.; *R. v. Vickers* [1996] R.T.R. 9, C.A.; *R. v. Brown (Garry)* [1996] R.T.R. 142, C.A. **Considered,** *R. v. Eaglen* [1996] R.T.R. 1, C.A.

R. v. Skegness Magistrates' Court, *Ex parte* Cardy [1985] R.T.R. 49, D.C. **Applied,** *R. v. Reading Justices, Ex parte Berkshire County Council* [1996] 1 Cr.App.R. 239, D.C.; *In re Ronald A. Prior & Co. (Solicitors)* [1996] 1 Cr.App.R. 248, C.A.

R. v. Smith (Scott Alan) [1988] Crim.L.R. 616. **Distinguished,** *R. v. Powell (Anthony)* [1996] 1 Cr.App.R. 14, C.A.

R. v. Southampton Justices, *Ex parte* Green [1976] Q.B. 11; [1975] 3 W.L.R. 277; [1975] 2 All E.R. 1073, C.A. **Applied,** *R. v. Chief Clerk Maidstone Crown Court, Ex parte Clark* [1995] 2 Cr.App. R. 617, D.C.

R v. Spencer [1987] A.C. 128; [1986] 3 W.L.R. 348; [1986] 3 All E.R. 928; 83 Cr.App.R. 277, H.L.(E.). **Applied,** *R. v. Blackwell* [1995] 2 Cr.App.R. 625, C.A.

R. v. Stewart (Benjamin) [1995] 4 All E.R. 999, C.A. **Followed,** *R. v. Humphreys* [1995] 4 All E.R. 1008, C.A. **Distinguished,** *R. v. Acott* [1996] 2 Cr.App.R. 290, C.A.

R. v. Straffen [1952] 2 Q.B. 911; [1952] 2 All E.R. 657; 36 Cr.App.R. 132, C.C.A. **Distinguished,** *R. v. Trew* [1996] 2 Cr.App.R. 138, C.A.

R. v. Treacy [1971] A.C. 537; [1971] 2 W.L.R. 112; [1971] 1 All E.R. 110; 55 Cr.App.R. 113, H.L.(E.). **Considered,** *R. v. Smith (Wallace Duncan)* [1996] 2 Cr.App.R. 1, C.A.

R. v. Turnbull [1977] Q.B. 224; [1976] 3 W.L.R. 445; [1976] 3 All E.R. 549, C.A. **Applied,** *Shand v. The Queen* [1996] 1 W.L.R. 67, P.C.; *R. v. Pattinson* [1996] 1 Cr.App.R. 51, C.A.

R. v. Turner (Paul) [1995] 1 W.L.R. 264; [1995] 3 All E.R. 432; [1995] 2 Cr.App.R. 94, C.A. **Applied,** *R. v. van Tattenhove* [1996] 1 Cr.App.R. 408, C.A.

R. v. Tynedale District Council, *Ex parte* Shield (1987) 22 H.L.R. 144, 148–149. **Dictum of Schiemann J. approved,** *R. v. Westminster City Council, Ex parte Ermakov* [1996] 2 All E.R. 302, C.A.

R. v. Vreones (1891) 1 Q.B. 360. **Applied,** *R. v. Headley* [1996] R.T.R. 173, C.A.

R. v. Wandsworth London Borough Council, *Ex parte* Mansoor (1995) 27 H.L.R. 660. **Decisions of Sir Louis Blom-Cooper Q.C. sitting as a deputy judge of the Queen's Bench Division affirmed** [1996] 3 W.L.R. 282, C.A.

R. v. Wells Street Stipendiary Magistrate, *Ex parte* Seillon [1978] 1 W.L.R. 1002; [1978] 3 All E.R. 257, D.C. **Considered,** *R. v. Bedwellty Justices, Ex parte Williams* [1996] 3 W.L.R. 361, H.L.(E.)

R. v. West Dorset District Council, *Ex parte* Gerrard (1994) 27 H.L.R. 150. **Not followed,** *R. v. Hertsmere Borough Council, Ex parte Woolgar* (1995) 94 L.G.R. 177

R. v. Wheatley (Note) [1984] R.T.R. 273, C.A. **Applied,** *R. v. Jordan (William)* [1996] R.T.R. 221, C.A.

R. v. Whitfield (Melvyn) (1976) 63 Cr.App.R. 39, C.A. **Distinguished,** *R. v. Cox (Adrian)* [1995] 2 Cr.App.R. 513, C.A.

R. v. Williams (Gladstone) [1983] 3 All E.R. 411; 78 Cr.App.R. 276, C.A. **Applied,** *R. v. Owino* [1996] 2 Cr.App.R. 128, C.A.

R. v. Windass (1988) 89 Cr.App.R. 258, C.A. **Applied,** *R. v. Devonport* [1996] 1 Cr.App.R. 221, C.A.

R. v. Wing [1995] R.T.R. 119, C.A. **Applied,** *R. v. Taziker* [1995] R.T.R. 413, C.A.

R. v. Wright [1994] Crim.L.R. 55. **Followed,** *R. v. Grant* [1996] 1 Cr.App.R. 73, C.A.

R.M.C. Roadstone Products Ltd. v. Jester [1994] I.C.R. 456; [1994] 4 All E.R. 1037, D.C. **Disapproved,** *R. v. Associated Octel Co. Ltd.* [1996] 1 W.L.R. 1543; [1996] I.C.R. 972, H.L.(E.)

Rantzen v. Mirror Group Newspapers (1986) Ltd. [1994] Q.B. 670; [1993] 3 W.L.R. 953; [1993] 4 All E.R. 975, C.A. **Considered,** *John v. MGN Ltd.* [1996] 3 W.L.R. 593, C.A.

Ramsay (W.T.) Ltd. v. Inland Revenue Comrs. [1982] A.C. 300; [1981] 2 W.L.R. 449; [1981] 1 All E.R. 865, H.L.(E.). **Considered,** *Belvedere Court Management Ltd. v. Frogmore Developments Ltd.* [1996] 3 W.L.R. 1008, C.A.

Rao v. Civil Aviation Authority [1994] I.C.R. 495, C.A. **Considered,** *Cox v. Camden London Borough Council* [1996] I.C.R. 815, E.A.T.

Rastin v. British Steel Plc. [1994] 1 W.L.R. 732; [1994] 2 All E.R. 641, C.A. **Applied,** *Jackson v. Slater Harrison & Co. Ltd.* [1996] 1 W.L.R. 597, C.A.; *Reville v. Wright* [1996] 1 W.L.R. 592, C.A. **Distinguished,** *Williams v. Globe Coaches* [1996] 1 W.L.R. 553, C.A.

Ratford v. Northavon District Council [1987] Q.B. 357; [1986] 3 W.L.R. 771; [1986] 3 All E.R. 193, C.A. **Applied,** *Brown v. City of London Corpn.* [1996] 1 W.L.R. 1070

Ratten v. The Queen [1972] A.C. 378, 389; [1971] 3 W.L.R. 930; [1971] 3 All E.R. 801; 56 Cr.App.R. 18, P.C. **Dictum of Lord Wilberforce considered,** *R. v. Gilfoyle* [1996] 1 Cr.App.R. 302, C.A.

Reckley v. Minister of Public Safety and Immigration [1995] 2 A.C. 491; [1995] 3 W.L.R. 390; [1995] 4 All E.R. 8, P.C. **Distinguished,** *Henfield v. Attorney-General of the Commonwealth of The Bahamas* [1996] 3 W.L.R. 1079, P.C.

Reid (Junior) v. The Queen [1990] 1 A.C. 363; [1989] 3 W.L.R. 771; 90 Cr.App.R. 121, D.C. **Applied,** *R. v. Pattinson* [1996] 1 Cr.App.R. 51, C.A.

Rena, K., The [1979] Q.B. 377; [1978] 3 W.L.R. 431; [1979] 3 All E.R. 397; [1978] 1 Lloyd's Rep. 545. **Considered,** *Ultisol Transport Contractors Ltd. v. Bouygues Offshore S.A.* [1996] 2 Lloyd's Rep. 140

Rendall v. Blair (1890) 45 Ch.D. 139, Kay J. and C.A. **Considered,** *In re Saunders (A Bankrupt)* [1996] 3 W.L.R. 473

Reville v. Wright [1996] 1 W.L.R. 592, C.A. **Applied,** *Jackson v. Slater Harrison & Co. Ltd.* [1996] 1 W.L.R. 597, C.A.

Richards v. West [1980] R.T.R. 215, D.C. **Applied,** *Jarvis v. Director of Public Prosecutions* [1996] R.T.R. 192, D.C.

Riches v. News Group Newspapers Ltd. [1986] Q.B. 256, 268–269; [1985] 3 W.L.R. 432; [1985] 2 All E.R. 845, C.A. **Considered,** *John v. MGN Ltd.* [1996] 3 W.L.R. 593, C.A. **Dictum of Stephenson L.J. considered,** *Lancashire County Council v. Municipal Mutual Insurance Ltd.* [1996] 3 W.L.R. 493, C.A.

Ridehalgh v. Horsefield [1994] Ch. 205; [1994] 3 W.L.R. 462; [1994] 3 All E.R. 848, C.A. **Applied,** *In re A Company (No. 006798 of 1995)* [1996] 1 W.L.R. 491. **Considered,** *Tolstoy-Miloslavsky v. Aldington* [1995] 1 W.L.R. 736, C.A.

Rigby v. Chief Constable of Northamptonshire [1985] 1 W.L.R. 1242; [1985] 2 All E.R. 985. **Distinguished,** *Capital & Counties Plc. v. Hampshire County Council* [1996] 1 W.L.R. 1553

Rightside Properties Ltd. v. Gray [1975] Ch. 72; [1974] 3 W.L.R. 484; [1974] 2 All E.R. 1169. **Applied,** *Country and Metropolitan Homes Surrey Ltd. v. Topclaim Ltd.* [1996] Ch. 307; [1996] 3 W.L.R. 525

Robert Gordon's College v. Customs and Excise Comrs. [1994] S.T.C. 698. **Decision of the Second Division of the Court of Session reversed** [1996] 1 W.L.R. 201, H.L.(Sc.)

Robophone Facilities Ltd. v. Blank [1966] 1 W.L.R. 1428; [1966] 3 All E.R. 128, C.A. **Applied,** *In re Park Air Services Plc.* [1996] 1 W.L.R. 649

Robroyston Brickworks Ltd. v. Inland Revenue Comrs. (1976) 51 T.C. 230. **Distinguished,** *Marriott v. Lane* [1996] 1 W.L.R. 1211

Roebuck v. Mungovin [1994] 2 A.C. 224; [1994] 2 W.L.R. 290, [1994] 1 All E.R. 568, H.L.(E). **Applied,** *Shtun v. Zalejska* [1996] 1 W.L.R. 1270, C.A.

Rolled Steel Products (Holdings) Ltd. v. British Steel Corporation [1986] Ch. 246; [1985] 2 W.L.R. 908; [1985] 3 All E.R. 52, C.A. **Considered,** *Crédit Suisse v. Allerdale Borough Council* [1996] 3 W.L.R. 894, C.A.

Rookes v. Barnard [1964] A.C. 1129; [1964] 2 W.L.R. 269; [1964] 1 All E.R. 367, H.L.(E.). **Applied,** *S.O.S. Kinderdorf International v. Bittaye* [1996] 1 W.L.R. 987, P.C.

Rollo v. Minister of Town and Country Planning [1948] 1 All E.R. 13, C.A. **Applied,** *Cran v. Camden London Borough Council* [1995] R.T.R. 346; 94 L.G.R. 8

Rothmans of Pall Mall (Overseas) Ltd. v. Saudi Arabian Airlines Corpn. [1981] Q.B. 368; [1980] 3 W.L.R. 642; [1980] 3 All E.R. 359, C.A. **Applied,** *Milor S.r.l. v. British Airways Plc.* [1996] Q.B. 702; [1996] 3 W.L.R. 642, C.A.

Roy v. Kensington and Chelsea and Westminster Family Practitioner Committee [1992] 1 A.C. 624; [1992] 2 W.L.R. 239; [1992] 1 All E.R. 705. **Distinguished,** *British Steel Plc. v. Customs and Excise Comrs.* [1996] 1 All E.R. 1002

Royal Society for the Protection of Birds v. Croucher [1984] I.C.R. 604, E.A.T. **Considered,** *Chamberlain Vinyl Products Ltd. v. Patel* [1996] I.C.R. 113, E.A.T.

Royal Trust Co. of Canada v. Markham [1975] 1 W.L.R. 1416; [1975] 3 All E.R. 433, C.A. **Applied,** *National and Provincial Building Society v. Lloyd* [1996] 1 All E.R. 630, C.A.

Rust v. Abbey Life Assurance Co. Ltd. [1979] 2 Lloyd's Rep. 334, C.A. **Considered,** *Vitol S.A. v. Norelf Ltd.* [1996] A.C. 800; [1996] 3 W.L.R. 105, H.L.(E.)

Ryley v. Hicks (1725) 1 Str. 651. **Considered,** *Long v. Tower Hamlets London Borough Council* [1996] 3 W.L.R. 317

S. v. McC. (orse. S.) and M. (D.S. intervener); W. v. W. [1972] A.C. 24; [1970] 3 W.L.R. 366; [1970] 3 All E.R. 107, H.L.(E.) **Applied,** *In re H. (A Minor) (Blood Tests: Parental Rights)* [1996] 3 W.L.R. 506, C.A. **Considered,** *In re Z (A Minor) (Identification: Restrictions on Publication)* [1996] 2 W.L.R. 88, C.A.

S. (A Minor) v. Special Educational Needs Tribunal [1995] 1 W.L.R. 1627; [1996] 1 All E.R. 171. **Decision of Latham J. affirmed** [1996] 1 W.L.R. 382, C.A.

Saif Ali v. Sydney Mitchell & Co. [1980] A.C. 198; [1978] 3 W.L.R. 849; [1978] 3 All E.R. 1033, H.L.(E.). **Applied,** *McFarlane v. Wilkinson* [1996] 1 Lloyd's Rep. 406

St. Ann's, Kew, *In re* [1977] Fam. 12; [1976] 3 W.L.R. 301; [1976] 1 All E.R. 461. **Considered,** *In re St. Michael and All Angels, Tettenhall Regis* [1996] Fam. 44; [1996] 2 W.L.R. 385, Arches Ct.

St. Mary the Virgin, Woodkirk, *In re* [1969] 1 W.L.R. 1867; [1969] 3 All E.R. 952. **Considered,** *In re St. Michael and All Angels, Tettenhall Regis* [1996] Fam. 44; [1996] 2 W.L.R. 385, Arches Ct.

St. Mary's, Barnes, *In re* [1982] 1 W.L.R. 531; [1982] 1 All E.R. 456. **Considered,** *In re St. Michael and All Angels, Tettenhall Regis* [1996] Fam. 44; [1996] 2 W.L.R. 385, Arches Ct.

St. Michael and All Angels, Tettenhall Regis, *In re* [1995] Fam. 179; [1995] 3 W.L.R. 299; [1996] 1 All E.R. 231. **Decision of Judge Shand Ch. affirmed** [1996] Fam. 44; [1996] 2 W.L.R. 385, Arches Ct.

St. Thomas, Lymington, *In re* [1980] Fam. 89; [1980] 2 W.L.R. 267; [1980] 2 All E.R. 84. **Applied,** *In re St. Michael and All Angels, Tettenhall Regis* [1996] Fam. 44; [1996] 2 W.L.R. 385, Arches Ct.

Salmon, *In re*; Priest v. Uppleby (1889) 42 Ch.D. 351, C.A. **Applied,** *R. v. Liverpool City Council, Ex parte Muldoon* [1996] 1 W.L.R. 1103, H.L.(E.)

Sargent v. Customs and Excise Comrs. [1995] 1 W.L.R. 821, C.A. **Distinguished,** *Brown v. City of London Corpn.* [1996] 1 W.L.R. 1070

Sarrio S.A. v. Kuwait Investment Authority [1996] 1 Lloyd's Rep. 650. **Applied,** *The Xin Yang* [1996] 2 Lloyd's Rep. 217

Saxton, decd., *In re* [1962] 1 W.L.R. 968; [1962] 3 All E.R. 92, C.A. **Considered,** *Connelly v. R.T.Z. Corpn. Plc.* [1996] Q.B. 361; [1996] 2 W.L.R. 251, C.A.

Scarisbrick, *In re* [1951] Ch. 622; [1951] 1 All E.R. 822, C.A. **Applied,** *In re Segelman, decd.* [1996] Ch. 171; [1996] 2 W.L.R. 173

Schmidt v. Austicks Bookshops Ltd. [1978] I.C.R. 85, E.A.T. **Applied,** *Smith v. Safeway Plc.* [1996] I.C.R. 868, C.A.

Scindia Steamships (London) Ltd. v. The London Assurance Co. Ltd. (1936) 56 Ll.L.Rep. 136. **Considered,** *Promet Engineering (Singapore) Pte. Ltd. v. Sturge* [1996] 1 Lloyd's Rep. 85

Scott v. The Queen [1989] A.C. 1242; [1989] 2 W.L.R. 924; [1989] 2 All E.R. 305; 89 Cr.App.R. 153, P.C. **Applied,** *R. v. Dragic* [1996] 2 Cr.App.R. 232, C.A.

Seaton v. Heath [1899] 1 Q.B. 782, C.A. **Applied,** *In re Sentinel Securities Plc.* [1996] 1 W.L.R. 316

Seavision Investment S.A. v. Evennett [1992] 2 Lloyd's Rep. 26, C.A. **Followed,** *British Racing Drivers' Club Ltd. v. Hextall Erskine & Co.* [1996] 3 All E.R. 667

Secretary of State for Trade and Industry v. Hart [1982] 1 W.L.R. 481; [1982] 1 All E.R. 817, D.C. **Distinguished,** *Attorney-General's Reference (No. 1 of 1995)* [1996] 1 W.L.R. 970, C.A.

Secretary of State for Trade and Industry v. McTighe [1994] 2 B.C.L.C. 284, 287, C.A. **Dicta of Hoffmann L.J. considered,** *Secretary of State for Trade and Industry v. Davies* [1996] 4 All E.R. 289, C.A.

Sedleigh-Denfield v. O'Callaghan [1940] A.C. 880, 902–903, H.L.(E.). **Dicta of Lord Wright applied,** *Hunter v. Canary Wharf Ltd.* [1996] 2 W.L.R. 348, C.A.

Sengupta v. Republic of India [1983] I.C.R. 221, 225, E.A.T. **Dictum of Browne-Wilkinson J. approved,** *Ahmed v. Government of the Kingdom of Saudi Arabia* [1996] I.C.R. 25, C.A. **Applied,** *Arab Republic of Egypt v. Gamal-Eldin* [1996] I.C.R. 13, E.A.T.

Seven Seas Transportation Ltd. v. Pacifico Union Marina Corpn. [1984] 2 All E.R. 140; [1984] 1 Lloyd's Rep. 588, C.A. **Considered,** *Noranda Inc. v. Barton (Time Charter) Ltd.* [1996] 1 Lloyd's Rep. 301

Sharpe v. Director of Public Prosecutions [1993] R.T.R. 392, D.C. **Distinguished,** *Braham v. Director of Public Prosecutions* [1996] R.T.R. 30, D.C.

Shaw Savill and Albion Co. Ltd. v. The Commonwealth (1940) 66 C.L.R. 344. **Applied,** *Mulcahy v. Ministry of Defence* [1996] Q.B. 732; [1996] 2 W.L.R. 474, C.A.

Sheppard v. Glossop Corpn. [1921] 3 K.B. 132, C.A. **Applied,** *Stovin v. Wise* [1996] A.C. 923; [1996] 3 W.L.R. 388, H.L.(E.)

Sherdley v. Sherdley [1986] 1 W.L.R. 732; [1986] 2 All E.R. 202, C.A. **Considered,** *Racal Group Services Ltd. v. Ashmore* (1995) T.C. Leaflet No. 3458, C.A.

Shevill v. Presse Alliance S.A. [1996] A.C. 959; [1992] 2 W.L.R. 1; [1992] 1 All E.R. 409, C.A. **Decision of the Court of Appeal affirmed** [1996] A.C. 959; [1996] 3 W.L.R. 420, H.L.(E.)

Shevill v. Presse Alliance S.A. (Case C-68/93) [1995] 2 A.C. 18; [1995] 2 W.L.R. 499; [1995] All E.R. (E.C.) 289; [1995] E.C.R. I-415, E.C.J. **Distinguished,** *Marinari v. Lloyds Bank Plc. (Zubaidi Trading Co., Intervener)* (Case C-364/93) [1996] Q.B. 217; [1996] 2 W.L.R. 159, E.C.J.

Shilena Hosiery Co. Ltd., *In re* [1980] Ch. 219; [1979] 3 W.L.R. 332; [1979] 2 All E.R. 6. **Applied,** *In re Therm-a-Stor Ltd.* [1996] 1 W.L.R. 1338

Sillem v. Thornton (1854) 3 El. & Bl. 868. **Considered,** *Hussain v. Brown* [1996] 1 Lloyd's Rep. 627, C.A.

Sillifant v. Powell Duffryn Timber Ltd. [1983] I.R.L.R. 91, 96, E.A.T. **Dictum of Browne-Wilkinson J. applied,** *O'Dea v. ISC Chemicals Ltd.* [1996] I.C.R. 222, C.A.

Sinclair v. Brougham [1914] A.C. 398, H.L.(E.). **Not followed,** *Westdeutsche Landesbank Girozentrale v. Islington London Borough Council* [1996] A.C. 669; [1996] 2 W.L.R. 802, H.L.(E.)

Sinclair v. Neighbour [1967] 2 Q.B. 279, 287; [1967] 2 W.L.R. 1; [1966] 3 All E.R. 988, C.A. **Dictum of Sellers L.J. applied,** *S.O.S. Kinderdorf International v. Bittaye* [1996] 1 W.L.R. 987, P.C.

Singh v. Observer Ltd. (Note) [1989] 3 All E.R. 777, C.A. **Applied,** *A. Ltd. v. B. Ltd.* [1996] 1 W.L.R. 665

Sirena S.r.l. v. Eda S.r.l. (Case 40/70) [1971] E.C.R. 69, E.C.J. **Considered,** *Marchant & Eliot Underwriting Ltd. v. Higgins* [1996] 1 Lloyd's Rep. 313

Siskina (Owners of cargo lately laden on board) v. Distos Compania Naviera S.A. (The Siskina) [1979] A.C. 210; [1977] 3 W.L.R. 818; [1977] 3 All E.R. 803, H.L.(E.). **Distinguished,** *Morris v. Murjani* [1996] 1 W.L.R. 848, C.A.

Skuse v. Granada Television Ltd. [1994] 1 W.L.R. 1156, 1160. **Dictum of Drake J. explained,** *In re Macro (Ipswich) Ltd.* [1996] 1 W.L.R. 145

Skyrail Oceanic Ltd. v. Coleman [1981] I.C.R. 864, 872, C.A. **Dictum of Lawton L.J. applied,** *Ministry of Defence v. Hunt* [1996] I.C.R. 554, E.A.T.

Slattery v. Naylor (1888) 13 App.Cas. 446, P.C. **Applied,** *Ng Enterprises Ltd. v. Urban Council* [1996] 3 W.L.R. 751, P.C.

Slocock's Will Trusts, *In re* [1979] 1 All E.R. 358. **Considered,** *Racal Group Services Ltd. v. Ashmore* (1995) T.C. Leaflet No. 3458, C.A.

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Stovin v. Wise [1994] 1 W.L.R. 1124; [1994] 3 All E.R. 467, C.A. **Decision of the Court of Appeal reversed** [1996] A.C. 923; [1996] 3 W.L.R. 388, H.L.(E.)

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Sun and Sand Ltd. v. Fitzjohn [1979] I.C.R. 268, E.A.T. **Followed,** *Puglia v. C. James & Sons* [1996] I.C.R. 301, E.A.T.

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T. v. Secretary of State for the Home Department [1995] 1 W.L.R. 545; [1995] 2 All E.R. 1042, C.A. **Decision of the Court of Appeal affirmed** [1996] A.C. 742; [1996] 2 W.L.R. 766, H.L.(E.)

T. H. Knitwear (Wholesale) Ltd., *In re* [1988] Ch. 275; [1988] 2 W.L.R. 276; [1988] 1 All E.R. 860, C.A. **Considered,** *Boscawen v. Bajwa* [1996] 1 W.L.R. 328, C.A.

TNT Express (UK) Ltd. v. Downes [1994] I.C.R. 1, E.A.T. **Overruled in part,** *Tracey v. Crosville Wales Ltd.* [1996] I.C.R. 237, C.A.

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Target Holdings Ltd. v. Redferns [1994] 1 W.L.R. 1089; [1994] 2 All E.R. 337, C.A. **Applied,** *Friends' Provident Life Office v. Hillier Parker May & Rowden* [1996] 2 W.L.R. 123, C.A.

Target Holdings Ltd. v. Redferns [1996] A.C. 421; [1995] 3 W.L.R. 352; [1995] 3 All E.R. 785, H.L.(E.). **Considered,** *Bristol and West Building Society v. May May & Merrimans* [1996] 2 All E.R. 801

Target Home Loans Ltd. v. Clothier [1994] 1 All E.R. 439, C.A. **Considered,** *National and Provincial Building Society v. Lloyd* [1996] 1 All E.R. 630, C.A.

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Taylor v. Okey (1806) 13 Ves. 180. **Not followed,** *Coca-Cola Financial Corpn. v. Finsat International Ltd.* [1996] 3 W.L.R. 849, C.A.

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Taylor v. Twinberrow [1930] 2 K.B. 16. **Applied,** *Chung Ping Kwan v. Lam Island Development Co. Ltd.* [1996] 3 W.L.R. 448, P.C.

Telegraph Plc., *Ex parte* The [1993] 1 W.L.R. 980, 987; [1993] 2 All E.R. 971; 98 Cr.App.R. 91, C.A. **Dictum of Lord Taylor C.J. considered,** *R. v. West* [1996] 2 Cr.App.R. 374, C.A.

Thake v. Maurice [1986] Q.B. 644; [1986] 2 W.L.R. 337; [1986] 1 All E.R. 497, C.A. **Distinguished,** *Goodwill v. British Pregnancy Advisory Service* [1996] 1 W.L.R. 1397, C.A.

Thomas v. Chief Adjudication Officer (Case C-328/91) [1993] Q.B. 747; [1993] 3 W.L.R. 581; [1993] I.C.R. 673; [1993] 4 All E.R. 556; [1993] E.C.R. I-1247, E.C.J. **Applied,** *Graham v. Secretary of State for Social Security (Case C-92/94)* [1996] I.C.R. 258, E.C.J.; *R. v. Secretary of State for Health, Ex parte Richardson* (Case C-137/94) [1996] I.C.R. 471, E.C.J.

Thomas v. Hooper [1986] R.T.R. 1, D.C. **Distinguished,** *Pumbien v. Vines* [1996] R.T.R. 37, D.C.

Thornton v. Mitchell [1940] 1 All E.R. 339. **Applied,** *R. v. Loukes* [1996] R.T.R. 164, C.A.

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Toprak Enerji Sanayi A.S. v. Sale Tilney Technology Plc. [1994] 1 W.L.R. 840, 853; [1994] 3 All E.R. 483. **Dicta of Judge Diamond Q.C. disapproved,** *Yorkshire Regional Health Authority v. Fairclough Building Ltd.* [1996] 1 W.L.R. 210, C.A. **Dictum of Judge Diamond Q.C. doubted,** *Industrie Chimiche Italia Centrale v. Alexander G. Tsavliris & Sons Maritime Co.* [1996] 1 W.L.R. 774

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United Bank of Kuwait Plc. v. Sahib [1995] 2 W.L.R. 94; [1995] 2 All E.R. 973. **Decision of Chadwick J. affirmed** [1996] 3 W.L.R. 372, C.A.

United States of America v. McRae (1867) L.R. 3 Ch.App. 79. **Distinguished,** *Brannigan v. Davison* [1996] 3 W.L.R. 859, P.C.

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Vaughan v. Biggs [1960] 1 W.L.R. 622; [1960] 2 All E.R. 473, D.C. **Applied,** *Westminster City Council v. Riding* (1995) 94 L.G.R. 489, D.C.

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Vincent v. The Queen [1993] 1 W.L.R. 862, 867, P.C. **Dictum of Lord Woolf doubted,** *Director of Public Prosecutions v. Tokai* [1996] A.C. 856; [1996] 3 W.L.R. 149, P.C.

Vitol S.A. v. Norelf Ltd. [1996] Q.B. 108; [1995] 3 W.L.R. 549; [1995] 3 All E.R. 971, C.A. **Decision of the Court of Appeal reversed** [1996] A.C. 800; [1996] 3 W.L.R. 105, H.L.(E.)

W. (A Minor) (Wardship: Restrictions on Publication), *In re* [1992] 1 W.L.R. 100; [1992] 1 All E.R. 794, C.A. **Applied,** *In re Z (A Minor) (Identification: Restrictions on Publication)* [1996] 2 W.L.R. 88, C.A.

W. (Minors) (Sexual Abuse: Standard of Proof), *In re* [1994] 1 F.L.R. 419, C.A. **Overruled,** *In re H. (Minors) (Sexual Abuse: Standard of Proof)* [1996] A.C. 563; [1996] 2 W.L.R. 8, H.L.(E.)

W. (Wards) (Publication of Information), *In re* [1989] 1 F.L.R. 246. **Applied,** *In re B. (A Minor) (Contempt of Court: Affidavit Evidence)* [1996] 1 W.L.R. 627

WEA Records Ltd. v. Visions Channel 4 Ltd. [1983] 1 W.L.R. 721; [1983] 2 All E.R. 589, C.A. **Considered,** *In re Murjani (A Bankrupt)* [1996] 1 W.L.R. 1498

Waddell v. Blockey (1879) 4 Q.B.D. 678, C.A. **Considered,** *Smith New Court Securities Ltd. v. Scrimgeour Vickers (Asset Management) Ltd.* [1996] 3 W.L.R. 1051, H.L.(E.)

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Walpole v. Partridge & Wilson [1994] Q.B. 106; [1993] 3 W.L.R. 1093; [1994] 1 All E.R. 385, C.A. **Applied,** *Smith v. Linskills* [1996] 1 W.L.R. 763, C.A.

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Waters v. Sunday Pictorial Newspapers Ltd. [1961] 1 W.L.R. 967; [1961] 2 All E.R. 758, C.A. **Distinguished,** *Stern v. Piper* [1996] 3 W.L.R. 715, C.A.

Watson, decd., *In re* [1973] 1 W.L.R. 1472; [1973] 3 All E.R. 678. **Applied,** *Funnell v. Stewart* [1996] 1 W.L.R. 288

Watts v. Morrow [1991] 1 W.L.R. 1421; [1991] 4 All E.R. 937, C.A. **Applied,** *Alexander v. Rolls Royce Motor Cars Ltd.* [1996] R.T.R. 95, C.A.

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West Pennard Churchyard, *In re* [1992] 1 W.L.R. 32; [1991] 4 All E.R. 124. **Considered,** *In re St. Mary, Dodleston Churchyard* [1996] 1 W.L.R. 451

Westdeutsche Landesbank Girozentrale v. Islington London Borough Council (1993) 91 L.G.R. 323; [1994] 1 W.L.R. 938; [1994] 4 All E.R. 890, C.A. **Applied,** *Friends' Provident Life Office v. Hillier Parker May & Rowden* [1996] 2 W.L.R. 123, C.A.

Westdeutsche Landesbank Girozentrale v. Islington London Borough Council [1994] 1 W.L.R. 938; [1994] 4 All E.R. 890, C.A. **Decision of the Court of Appeal reversed** [1996] A.C. 669; [1996] 2 W.L.R. 802, H.L.(E.)

Western Bank Ltd. v. Schindler [1977] Ch. 1; [1976] 3 W.L.R. 341; [1976] 2 All E.R. 393, C.A. **Considered,** *Cheltenham and Gloucester Building Society v. Norgan* [1996] 1 W L.R. 343, C.A.

Wheeler v. J.J. Saunders Ltd. [1996] Ch. 19; [1995] 3 W.L.R. 466; [1995] 2 All E.R. 697, C.A. **Applied,** *Hunter v. Canary Wharf Ltd.* [1996] 2 W.L.R. 348, C.A.

White v. Jones [1995] 2 A.C. 207; [1995] 2 W.L.R. 187; [1995] 1 All E.R. 691, H.L.(E.). **Distinguished,** *Goodwill v. British Pregnancy Advisory Service* [1996] 1 W.L.R. 1397, C.A.

White v. Taylor (No. 2) [1969] 1 Ch. 160; [1968] 2 W.L.R. 1402; [1968] 1 All E.R. 1015. **Considered,** *Ministry of Defence v. Wiltshire County Council* [1994] 4 All E.R. 931

Whiteside v. Whiteside [1950] Ch. 65; [1949] 1 All E.R. 755. **Considered,** *Racal Group Services Ltd. v. Ashmore* (1995) T.C. Leaflet No. 3458, C.A.

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Wild v. Madame Tussaud's (1926) Ltd. (1932) 17 T.C. 127. **Distinguished,** *Marriott v. Lane* [1996] 1 W.L.R. 1211

Wilson v. Banner Scaffolding Ltd., The Times, 22 June 1982. **Not followed,** *In re Saunders (A Bankrupt)* [1996] 3 W.L.R. 473

Wilson v. Best Travel Ltd. [1993] 1 All E.R. 353. **Considered,** *Wong Mee Wan v. Kwan Kin Travel Services Ltd.* [1996] 1 W.L.R. 38, P.C.

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1838 **Judgments Act** (1 & 2 Vict. c. 110)
s. 17 (as amended): *In re* Park Air Services Plc. [1996] 1 W.L.R. 649

1853 **Burial Act** (16 & 17 Vict. c. 134)
s. 3: *In re* St. Michael and All Angels, Tettenhall Regis [1996] Fam. 44; [1996] 2 W.L.R. 385, Arches Ct.

1861 **Offences against the Person Act** (24 & 25 Vict. c. 100)
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1882 **Married Women's Property Act** (45 & 46 Vict. c. 75)
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1884 **Disused Burial Grounds Act** (47 & 48 Vict. c. 72)
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1948 **National Assistance Act** (11 & 12 Geo. 6, c. 29)
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1957 **Homicide Act** (5 & 6 Eliz. 2, c. 11)
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1968 Criminal Appeal Act (c. 19)
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s. 1(2)(7): Vitol S.A. v. Norelf Ltd. [1996] 3 W.L.R. 105, H.L.(E.)
1972 European Communities Act (c. 68)
s. 2(2): Reg. v. Secretary of State for Trade and Industry, *Ex parte* Unison [1996] I.C.R. 1003, D.C.
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s. 111: Crédit Suisse v. Waltham Forest London Borough Council [1996] 3 W.L.R. 943, C.A.
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s. 8: Cheltenham and Gloucester Building Society v. Norgan [1996] 1 W.L.R. 343, C.A.
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s. 104(1A)(7)(8) (as amended): Bate v. Chief Adjudication Officer [1996] 1 W.L.R. 814, H.L.(E.)
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s. 1: Jonathan Alexander Ltd. v. Proctor [1996] 1 W.L.R. 518, C.A.
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